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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
separate compilation

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

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PART II—Section 3—Sub-Section (ii)

कार्मिक, लोक शिक्षा तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 19 दिसम्बर, 1989

का.आ. 73 :- केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) का धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री आर. देव, अधिवक्ता, कलकत्ता, उच्च न्यायालय को, केन्द्रीय जांच ब्यूरो (विशेष पुलिस स्थापन) नई दिल्ली द्वारा जांच किए गए आर.सी. 22 और 23/81 एस आई-यू (II) से संबंधित और उससे उद्भूत होने वाले सभी मामलों में बिचारण का संचालन करने के लिए मजिस्ट्रेट के न्यायालय में की सभी कार्यवाहियों में हाजिर होने के प्रयोजन के लिए और पुनरीक्षण और अपील न्यायालयों में की सभी कार्यवाहियों में हाजिर होने के लिए विशेष लोक अभियोजक के रूप में नियुक्ति करती है।

[संख्या 225/13/89-ए.वी.सी. (II)]

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS

(Department of Personnel and Training)

New Delhi, the 19th December, 1989

S.O. 73.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure,

1973 (Act. No. 2 of 1974) the Central Government hereby appoints Shri R. Deb, Advocate, Calcutta High Court as Special Public Prosecutor for the purpose of appearing in all proceedings in the Magistrate's Court to conduct trial and to appear in all proceedings in the Revisional and Appellate courts in relation to and arising out of RCs 22 and 23/81 of SIU(XI) investigated by the Central Bureau of Investigation (Special Police Establishment), New Delhi.

[No. 225/13/89-AVD.I]

नई दिल्ली, 21 दिसम्बर, 1989

का.आ. 74 :- दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 का उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री एस.एस. शिबाला, एडवोकेट को विशेष न्यायधीन धारदार के न्यायालय में 11 मामलों तथा आर.सी.-30/76-बंगलौर, आर.सी.-37/76-बंगलौर, आर.सी. 37/77-बंगलौर आर.सी. 21/75-बंगलौर, आर.सी.-28/77-बंगलौर, आर.सी.-3/78-बंगलौर, आर.सा. 39/81-बंगलौर, आर.सा.-38/81-बंगलौर, आर.सा.-31/84-बंगलौर, आर.सा.-52/80-बंगलौर और आर.सा.-38/87-बंगलौर तथा श्री एस. नागाराजू, एडवोकेट को विशेष न्यायधीन, मैसूर के न्यायालय में 25 मामलों तथा आर.सी.-8/72-बंगलौर, आर.सा.-32/76-बंगलौर, आर.सा.-2/78-बंगलौर, आर.सा.-19/79-बंगलौर, आर.सा.-17/79-बंगलौर, आर.सी.-6/79-बंगलौर, आर.सा.-36/79-बंगलौर, आर.सा.-4/80-बंगलौर, आर.सा.-7/80-बंगलौर, आर.सी.-34/80-बंगलौर,

आर.सी.-41/80-बंगलोर, आर.सी.-33/79-बंगलोर, आर.सी.-34/79-बंगलोर, आर.सी.-5/81-बंगलोर, आर.सी.-10/81-बंगलोर, आर.सी.-5/82-बंगलोर, आर.सी.-12/83-बंगलोर, आर.सी.-18/83-बंगलोर, आर.सी.-39/83-बंगलोर, आर.सी.-40/82-बंगलोर, आर.सी.-सी-19/84-बंगलोर, आर.सी.-38/84-बंगलोर, आर.सा.-30/87-बंगलोर, आर.सी.-44/87-बंगलोर, और आर.सा.-18/84-बंगलोर और प्रधान मुख्य स्यायिक मजिस्ट्रेट के न्यायालय मैसूर में एक मामले तथा आर.सी.-43/85-बंगलोर में राज्य का और से पेन होने तथा अभियोजन का संवाहन करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/34/87-ए.पी.ओ. II]

New Delhi, the 21st Decembar, 1989

S.O. 74.—In exercise of the powers conferred by sub-section (8) of section 24 of the code of Criminal Procedure 1973, (2 of 1974), the Central Government hereby appoints Shri S. S. Shivalli, Advocate as Special Public Prosecutor for conducting prosecution of eleven CBI cases viz. : RC-30/76-BLR, RC-37/76-BLR, RC-37/77-BLR, RC-21/75-BLR, RC-28/77-BLR, RC-3/78-BLR, RC-39/81-BLR, RC-38/81-BLR, RC-31/84-BLR, RC-52/86-BLR, and RC-38/87-BLR, in the court of Special Judge, Dharwar and Shri M. Nagaraju, Advocate as Special Public Prosecutor for conducting prosecution of twenty five CBI cases viz. : RC-8/72-BLR, RC-32/76-BLR, RC-2/78-BLR, RC-19/79-BLR, RC-17/79-BLR, RC-6/79-BLR, RC-36/79-BLR, RC-4/80-BLR, RC-7/80-BLR, RC-34/80-BLR, RC-41/80-BLR, RC-33/79-BLR, RC-34/79-BLR, RC-5/81-BLR, RC-10/81-BLR, RC-5/82-BLR, RC-12/83-BLR, RC-18/83 BLR, RC-39/83-BLR, RC-40/82-BLR, RC-19/84-BLR, RC-38/84-BLR, RC-30/87-BLR, RC-44/87-BLR and RC-18/86-BLR in court of Special Judge, Mysore and RC-43/85-BLR in the court of Principal Chief Judicial Magistrate, Mysore.

[No. 225/34/89-AVD. II]

प्रादेश

नई दिल्ली, 28 दिसम्बर, 1989

का.सा. 75 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गुजरात सरकार का सहमति से निम्नलिखित अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण गुजरात राज्य पर करती है:-

(क) पूर्व-स्वास्थ्य मंत्री श्री बल्लभभाई पटेल की हत्या से संबंधित मामले में भारतीय बंद संहिता, 1860 (1860 का 45) की धारा 302 के अधीन या बाकू उर्फ श्री अनिरुद्ध सिंह चन्दुभा जडेजा, निवासी हावमटिया, तालुक पाझारो के बिरुद्ध घाना पाझारो में अपराध संख्या 141/39 दिनांक 22-11-89 द्वारा रजिस्ट्रेशन मामला।

(ख) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे सम्बन्धित प्रयत्नों, दृष्टिकोणों और बहसों के और उन्हीं तथ्यों से उत्पन्न होने वाले ऐसे संश्लेषण के अनुक्रम में किया गया या किए गए कोई अन्य अपराध।

[नं. 229/51/89-ए.पी.ओ. (II)]

जी० सोतारामन, अवर सचिव

ORDER

New Delhi the 28th December, 1989

S.O. 75.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Government

of Gujarat hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Gujarat for investigation of offences as hereunder:—

(a) Offences under Section 302 of Indian Penal Code, 1860 (45 of 1860) in the case relating to the murder of Ex-Health Minister Shri Vallabhbbhai Patel registered at the Paddhari Police Station vide Crime No. 141/89 dated 22-11-1989 against the accused Shri Babu alias Shri Anuruddhasinh Chandubha Jadeja, resident at Hadmatia Taluka Paduhari.

(b) Attempts abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/51/89-AVD.(II)]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(प्राथमिक कार्य विभाग)

(वैकिक प्रभाग)

नई दिल्ली, 11 दिसम्बर, 1989

का.सा. 76 :—यतः, बैंककारों विनियमन अधिनियम, 1949 को धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुसार केन्द्रीय सरकार ने बैंक ब्राफ़ बिहार लि., पटना के भारतीय स्टेट बैंक के साथ विलय के लिए 5 नवम्बर, 1989 को एक योजना मंजूर की थी।

अतः, उक्त योजना के खण्ड 6 के उपखण्ड (ix) के अधिन भारतिय स्टेट बैंक द्वारा बैंक ब्राफ़ बिहार लिमिटेड की परिसंपत्तियों का अन्तिम रूप से मूल्यांकन अपेक्षित था, जो कि नियत तारीख से बारह वर्षों की समाप्ति के पश्चात् नियत तारीख को अन्तिम रूप से मूल्यांकन कर लिया गया है।

यतः, भारतीय स्टेट बैंक ने यह अभ्यावेदन किया है कि बड़ी संख्या में परिसंपत्तियाँ अंतर्गत होने और बैंक के प्रयासों के बावजूद अधिकांश मर्कों की वसूली अभी बाकी होने के कारण बैंक, विलय योजना के खण्ड 6 के उपखण्ड (ix) में निर्दिष्ट समय के भीतर परिसंपत्तियों का अन्तिम रूप से मूल्यांकन करने में असमर्थ रहा है।

और यतः, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने पर इस बात से संतुष्ट है कि विलय योजना को लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ाकर जितने में परिसंपत्तियों का अन्तिम रूप से मूल्यांकन अपेक्षित है, उक्त कठिनाई को दूर करना जरूरी है।

अतः, बैंक ब्राफ़ बिहार लिमिटेड, पटना का भारतीय स्टेट बैंक के साथ विलय की 5 नवम्बर, 1989 की विलय योजना के खण्ड 20 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा निदेश देती है कि भारतीय स्टेट बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से बैंक ब्राफ़ बिहार लिमिटेड को उन परिसंपत्तियों का, जिनकी वसूली और मूल्यांकन अभी हुआ है, नियत तारीख से इक्कीस वर्षों की अवधि के भीतर मूल्यांकन करेगा।

[नं. 17/2/83-बी०जी०-III]

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 11th December, 1989

S.O. 76.—Whereas on 5th November, 1969 a scheme of amalgamation of the Bank of Behar Ltd., Patna with the State Bank of India was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Sec. 45 of the Banking Regulation Act, 1949,

Whereas under sub-clause (ix) of clause 6 of the said Scheme, the State Bank of India was required to make a final valuation of the assets of the Bank of Bihar Ltd. which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date.

Whereas the State Bank of India has represented that in view of the large number of assets involved and the recovery of most of the items yet to be realised in spite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the scheme of amalgamation.

And whereas the Central Government after consultation with the Reserve Bank of India is satisfied that a difficulty has arisen in giving effect to the scheme of amalgamation which it is necessary to remove by extending the time within which the final valuation of assets is required to be made.

Now, therefore, in exercise of the powers conferred by Clause 20 of the scheme of amalgamation dated 5th November, 1969 of the Bank of Behar Ltd., Patna with the State Bank of India, the Central Government hereby directs that the State Bank of India shall, in consultation with and with the approval of the Reserve Bank of India, value the assets of the Bank of Behar Ltd., Patna which have not been realised and valued, within a period of twenty-one years from the prescribed date.

[No. 17/2/83-B. O. III]

का.प्र. 77.— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिशों पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उप-धारा (1) तथा (2) के उपबंध बैंक आफ तमिलनाडु लि., तिरुनेलवेली पर 1 दिसम्बर, 1989 से तीन महीने की अवधि तक या केन्द्रीय सरकार द्वारा बैंक के विलय की योजना के लागू करने की तारीख से प्रवृत्त होने तक इनमें से जो भी पहले हो, लागू नहीं होंगे।

[सं. 15/10/89-बी.ओ. III(i)]

S.O. 77.—In exercise of powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of section 10-B of the said Act shall not apply to the Bank of Tamilnad Ltd., Tirunelveli, for a period of three months from 1st December, 1989 or till the date on which the scheme for the amalgamation of the bank as sanctioned by the Central Government, comes into force, whichever is earlier.

[No. 15/10/89-B.O. III(i)]

का.प्र. 78.— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिशों पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उप-धारा (4) के उपबंध बैंक आफ तमिलनाडु लि., पर दिनांक 1 दिसम्बर, 1989 से तीन महीने की

की अवधि के लिए अथवा केन्द्रीय सरकार द्वारा स्वीकृत बैंक के विलय की योजना लागू होने की तारीख तक, इनमें से जो भी पहले हो, उस सीमा तक लागू नहीं होंगे, जहाँ तक बैंक की अध्यक्ष एवं मुख्य कार्यपालक अधिकारी का कार्य करने के वास्ते किसी व्यक्ति को नियुक्त करने की छूट प्राप्त है।

[संख्या 15/10/89-बी.ओ. III(ii)]

S.O. 78.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10-B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer, apply to the Bank of Tamilnad Ltd., for a period of three months from 1st December 1989 or till the date on which the scheme for the amalgamation of the bank, as sanctioned by the Central Government, comes into force, whichever is earlier.

[No. 15/10/89-B.O. III(ii)]

नई दिल्ली, 14 दिसम्बर, 1989

का.प्र. 79.— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिशों पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उप-धारा (9) के उपबंध पंजाब को-ऑपरेटिव बैंक लिमिटेड पर 11 दिसम्बर, 1989 तक बैंक के नियमित अध्यक्ष की नियुक्ति होने तक उस सीमा तक लागू नहीं होंगे जहाँ तक बैंक को बार महीने से अधिक के वास्ते अध्यक्ष एवं मुख्य कार्यपालक अधिकारी का कार्य करने के लिये किसी व्यक्ति को नियुक्त करने की छूट प्राप्त है।

[संख्या 15/14/88-बी.ओ. III(ii)]

New Delhi, the 14th December, 1989

S.O. 79.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10-B of the said Act shall not to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months apply to the Punjab Co-operative Bank Ltd. upto 11th September, 1989.

[No. 15/14/88-B. O. III(ii)]

का.प्र. 80.— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिशों पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध कर्णाटक बैंक लिमिटेड द्वारा अधिग्रहण की गई ग्राम मन्दापटना तालुक आरकलशुड, जिला हसन (कर्णाटक) में स्थित भवन बा.पा.नं. 185, 4790.26 वर्ग फीट की अचल संपत्ति के संबंध में 8 मार्च, 1992 तक की अवधि के लिए लागू नहीं होंगे।

[सं. 15/3/88-बी.ओ. III]

S.O. 80.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Karnataka Bank Ltd. for a period up to 8th March, 1992 in respect of immovable property consisting of a

building bearing V. P. No. 185, measuring 4790.26 sq. Ft. situated in Mallipatna Village, Arkalgud Taluk, Hassan District (Karnataka) held by it.

[No. 15/5/88-B. O. III]

का.घा. 81:— बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सफाई पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उपधारा (1) तथा (2) के उपबंध पंजाब को-ऑपरेटिव बैंक लिमिटेड पर 11 सितम्बर, 1989 तक लागू नहीं होंगे।

[संख्या 15/14/88-बी.पी.- III(ii)]
प्राण नाथ, चवर सचिव

S.O. 81.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) and (2) of section 10-B of the said Act, shall not apply to the Punjab Co-op. Bank Ltd., upto 11th September 1989.

[No. 15/14/88-B. O. III (i)]
PRANNATH, Under Secy.

नई दिल्ली, 21 दिसम्बर, 1989

का.घा. 82:— भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 की उपधारा (1) के खंड (ड) की शर्तों के अनुसार केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के चवर सचिव श्री बी.प्र. मेहता को श्री बी.पी. साहनी के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय मण्डल (बीई) में निदेशक नामित करती है।

[संख्या एफ. 9/6/89-बी.पी.-I(1)]

New Delhi, the 21st December, 1989

S.O. 82.—In terms of clause (c) of sub-section (1) of section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby nominates Shri D. R. Mehta, Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi to be the Director of the Central Board of the State Bank of India vice Shri V. P. Sawhney.

[No. F. 9/6/89-BO. I(1)]

का.घा. 83:— भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खंड (ग) के उपखंड (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के चवर सचिव सचिव, श्री बी.प्र. मेहता को श्री बी.पी. साहनी के स्थान पर भारतीय औद्योगिक विकास बैंक का निदेशक नामित करती है।

[संख्या एफ 9/6/89-बी.पी.- I(2)]

S.O. 83.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri D. R. Mehta, Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as the Director of the Industrial Development Bank of India vice Shri V. P. Sawhney.

[No. F. 9/6/89-BO. I(2)]

का.घा. 84:— राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खंड (ड) के उपबंधों के अनुसरण में केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली में चवर सचिव श्री

बी.प्र. मेहता को श्री बी.पी. साहनी के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निदेशक नियुक्ति करती है।

[सं. एफ. 9/6/89-बी.पी.- I(3)]

एम.एस.सीतारामन्, चवर सचिव

S.O. 84.—In pursuance of clause (c) of sub-section (1) of section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government hereby appoints Shri D. R. Mehta, Additional Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi as the Director of the National Bank of Agriculture and Rural Development vice Shri V. P. Sawhney.

[No. F. 9/6/89-BO. I(3)]

M. S. SEETHARAMAN, Under Secy.

[कार्यालय, मुख्य आयकर आयुक्त (तकनीकी) पश्चिम बंगाल]

कलकत्ता, 10 जुलाई, 1989

का. घा. 85—आयकर अधिनियम 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के अधीन जारी अधिसूचना सं. 7942 (फा. सं. 279/17/88—आई. टी. जे. एस. डी. 361 (ई) दिनांक 1-4-1988 और इसकी और से मुझे सभी दूसरी शक्तियां प्रदान करने वाली और आपन सं. 16/88-89 (सं. घा. अं.) मुख्यालय / तक / 30/88-89 (दिनांक 8/9/12 1988 एवं सं. 19/88) सं. घा. अ./मुद्रा/तक./60/88-89) दिनांक 22-2-1989 में आंशिक संशोधन द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए मैं, मुख्य आयकर आयुक्त (तकनीकी) कलकत्ता एतद्वारा निवेश देता हूँ कि आयकर अधिनियम 1961 की धारा 246 की उपधारा (2) के खंड (ए) से (एच) तक, चतुर्थ अधिनियम 1957 (1957 का 7) की धारा 23 के उपधारा 1(ए) के (ए) से (ई) तक, दानकर अधिनियम 1958 (1958 का 18) की धारा 22 के उपधारा (1ए) के (ए) से (ई), तक, कर्णवी (लाभ) अधिकार अधिनियम 1984 (1984 का 7), की धारा 11 की उपधारा (1) सूदकर अधिनियम 1974 का 46 की धारा 15 की उपधारा (1) और व्यय कर अधिनियम 1987 (1987 का 35) की धारा —22 की उपधारा (1) में वर्णित प्रावधानों द्वारा स्तम्भ -3 में विनिर्दिष्ट बाड़ों तकियों और विशेष रजे के अंतर्गत आयकर घटकर अथवा अधिकार या सूदकर या व्यय कर में संबंधित विनिर्दिष्ट व्यक्तियों के संबंध में निम्न अनुसूची के स्तम्भ 2 में वर्णित आयकर आयुक्त (प्रवील) अपना कार्य करेंगे।

अनुसूची I

क्रम सं. प्रभाग को, मुख्यालय सहित आयकर बाड़ें सकल जिला रज)

1	2	3
1. आयकर आयुक्त (प्रवील):—5 कलकत्ता	आ. ज., विशेष बाड़ें 5 (1)	
	स. घा. अनु. सकल 18 (1)	
	स. घा. सकल—18 (2)	
	स. घा. सकल, —18 (3)	
	स. घा., सकल —18 (4)	
	स. घा., सकल —18 (5)	
	आ. अ. बाड़ें (18 (1)	
	आ. घ., बाड़ें 18 (2)	
	आ. घ., बाड़ें 18 (3)	
	आ. घ. बाड़ें 18 (4)	

1	2	3
	आ. अ. वार्ड	18 (4)
	आ. अ. वार्ड	18 (5)
	आ. अ. वार्ड	18 (6)
	आ. अ. वार्ड	18 (7)
	आ. अ. वार्ड	18 (8)
	आ. अ. वार्ड	18 (9)
	आ. अ. वार्ड	18 (10)
	आ. अ. वार्ड	18 (11)
	आ. अ. वार्ड	18 (12)
	आ. अ. वार्ड	18 (13)
	आ. अ. वार्ड	18 (14)
	उप आ. विशेष रेंज	—5
2. आयकर आयुक्त (अपील 6) — कलकत्ता	आ. अ. वार्ड —	5 (11)
	आ. अ. वार्ड —	5 (12)
	आ. अ. वार्ड —	5 (13)
	आ. अ. वार्ड —	5 (14)
	आ. अ. वार्ड —	5 (15)
	आ. अ. वार्ड —	5 (16)
	सं. आ. (जाच) सफिल	9 (1)
	सं. आ., कम सफिल	9 (1)
	सं. आ., कम सफिल	9 (2)
	सं. आ., कम सफिल	9 (3)
	सं. आ., कम सफिल	9 (4)
	सं. आ., कम सफिल	9 (5)
	आ. अ. कम वार्ड	9 (1)
	सं. आ. (अनु.) सफिल	2 (1)
	सं. आ. (अनु.) सफिल	3 (2)
	सं. आ. (अनु.)	3 (3)
	सं. आ. सफिल	—3 (1)
	आ. अ. वार्ड	—3 (1)
	आ. अ. वार्ड	—3 (2)
	आ. अ. वार्ड	—3 (3)
	आ. अ. वार्ड	—3 (4)
	आ. अ. वार्ड	—3 (5)
	आ. अ. वार्ड	—3 (6)
	आ. अ. वार्ड	—3 (7)
	आ. अ. वार्ड	—3 (8)
	आ. अ. वार्ड	—3 (9)
	आ. अ. (वार्ड)	—3 (10)
	आ. अ. वार्ड	—3 (11)
	आ. अ. वार्ड	—3 (12)
3. आयकर आयुक्त (अपील) — 12, कलकत्ता	सं. आ. (अनु.) सफिल	5 (1)
	सं. आ. सफिल	—5 (2)
	सं. आ. सफिल	—5 (3)
	सं. आ. सफिल	5 (4)
	सं. आ. सफिल	5 (5)
	आ. अ. वार्ड	5 (1)
	आ. अ. वार्ड	5 (2)
	आ. अ. वार्ड	5 (3)
	आ. अ. वार्ड	5 (4)
	आ. अ. वार्ड	5 (5)
	आ. अ. वार्ड	5 (6)
	आ. अ. वार्ड	5 (7)
	आ. अ. वार्ड	5 (8)
	आ. अ. वार्ड	5 (9)
	आ. अ. वार्ड	5 (10)

1	2	3
	आ. अ. वार्ड	5 (17)
	आ. अ. वार्ड	5 (18)
	आ. अ. वार्ड	5 (19)
	आ. अ. वार्ड	5 (20)
	आ. अ. वार्ड	5 (21)
	सं. आ. (अनु.) सफिल	आसनसोल
	सं. आ. सफिल	1 आसनसोल
	आ. अ. वार्ड—1,	आसनसोल
	आ. अ. वार्ड—2,	आसनसोल
	आ. अ. वार्ड—3,	आसनसोल
	आ. अ. वार्ड—4,	आसनसोल
	आ. अ. वार्ड—1,	दुर्गापुर
	आ. अ. वार्ड—2,	दुर्गापुर
	आ. अ. वार्ड—3,	दुर्गापुर
	आ. अ. वार्ड—1,	बर्दवान
	आ. अ. वार्ड—2,	बर्दवान
	आ. अ. मुरी	
	आ. अ. धंकरा	
	आ. अ. पुरुलिया	

जहां एक आयकर वार्ड या जिला रेंज प्रथम उनके अंश, इस अधिसूचना के अनुसार एक प्रसार से दूसरे प्रसार में स्थानांतरण हो गये हों इस अधिसूचना के जारी होने के शीघ्र पहले आ. आ. (अपील) के समीप उन आयकर वार्ड, सफिल प्रथम जिला रेंज या उनके अंश में हुई निर्धारणों से अदभूत अपील सम्बन्धित हों और इस अधिसूचना के प्रभावशाली होने की तिथि से उन आ. अ. वार्ड, सफिल, जिला या रेंज या उनके अंश से स्थानांतरण हुए मामलों का निपटारा आ. अ. (अपील) करेंगे, जिनके अधीन उक्त वार्ड, सफिल या जिला या उसके अंश स्थानांतरित किये गये हों। यह अधिसूचना दिनांक 7-8-89 से लागू होगा।

[सं. आ. अ. /मुद्रा. / तक. /30/88-89 /सं.-7 /89 -90]
ए. के. घोष, मुख्य आयकर आयुक्त (तकनीकी)

[Office of the Chief Commissioner of Income Tax (Technical)
West Bengal]

Calcutta, the 10th July, 1989

S.O. 85.—In exercise of powers conferred by sub-section (1) and (2) of section 120 of the Income Tax Act, 1961 (43 of 1961) and in exercise of the powers conferred by the Central Board of Direct Taxes, New Delhi vide its notification No. 7842 in (F. No. 279/17/88-ITJ S.O. 361(E) dated 1st April, 1988 and all other powers enabling me in this behalf and, in partial modification of notification No. 16/88-89 (No. ITO/HQRS/TECH/30/88-89) dated 4th November, 1988, No. 18/88-89 (No. ITO/HQRS/TECH/30/88-89) dated 8th/9th December, 1988 and No. 19/88 (No. ITO/HQRS/TECH/60/88-89) dated 22nd February, 1989, I, the Chief Commissioner of Income-tax (Technical), Calcutta, hereby direct that the Commissioners of Income Tax (Appeals) specified in column-2 of the Schedule below, shall perform their functions in respect of such persons assessed to Income Tax or Wealth Tax or Sur-Tax or Interest Tax or Expenditure Tax in the Income Tax Wards, Circles, Special Ranges specified in column-3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income Tax Act, 1961, clauses (a) to (e) of sub-section (1A) of section 23 of the Wealth Tax Act, 1957 (27 of 1957),

clauses (a) to (e) of sub-section (1A) of section 22 of the Gift Tax Act, 1958 (18 of 1958), sub-section (1) of Section 11 of Companies (Profit) Sur-Tax Act 1984 (7 of 1984), sub-section (1) of Section 15 of Interest Tax Act, 1974 (45 of 1974) and sub-section (1) of Section 22 of the Expenditure Tax Act, 1987 (35 of 1987).

SCHEDULE

Sl. No.	To charges with Headquarters	Income Tax Wards/Circles/Districts/Ranges.
1	2	3
1.	Commissioner of Income Tax (Appeals)-V, Calcutta.	ITO Spl. Ward, 5 (1) ITO Spl. Ward, 5 (2) A.C. Inv. Cir., 18 (1) A.C. Cir., 18 (2) A.C. Cir. 18 (3) A.C. Cir. 18 (4) A.C. Cir. 18 (5) ITO, Ward 18 (1) ITO, Ward 18 (2) ITO, Ward 18 (3) ITO of Ward 18 (4) ITO Ward 18 (5) ITO of Ward 18 (6) ITO Ward 18 (7) ITO of Ward 18 (8) ITO Ward 18 (9) ITO of Ward 18 (10) ITO Ward 18 (11) ITO of Ward 18 (12) ITO Ward 18 (13) ITO of Ward 18 (14) D.C. Spl. Range 5.
2.	Commissioner of Income Tax (Appeals)-VI, Calcutta.	ITO Ward 5 (11) ITO Ward 5 (12) ITO Ward 5 (13) ITO Ward 5 (14) ITO Ward 5 (15) ITO Ward 5 (16) AC (Inv.) Cir-9 (1) AC Com. Cir-9 (1) AC Com. Cir-9 (2) AC Com. Cir-9 (3) AC Com. Cir-9 (4) AC Com. Cir-9 (5) ITO Com. Ward 9 (1) AC (Inv.) Cir. 3 (1) AC (Inv.) Cir. 3 (2) AC (Inv.) Cir. 3 (3) AC Cir. (1) ITO Ward 3 (1) ITO Ward 3 (2) ITO Ward 3 (3) ITO Ward 3 (4) ITO Ward 3 (5) ITO Ward 3 (6) ITO Ward 3 (7) ITO Ward 3 (8) ITO Ward 3 (9) ITO Ward 3 (10) ITO Ward 3 (11) ITO Ward 3 (12)

1	2	3
3.	Commissioner of Income Tax (Appeals) XII, Calcutta.	AC (Inv.) Cir. 5 (1) AC Cir. 5 (2) AC Cir. 5 (3) AC Cir. 5 (4) AC Cir. 5 (5) ITO Ward 5 (1) ITO Ward 5 (2) ITO Ward 5 (3) ITO Ward 5 (4) ITO Ward 5 (5) ITO Ward 5 (6) ITO Ward 5 (7) ITO Ward 5 (8) ITO Ward 5 (9) ITO Ward 5 (10) ITO Ward 5 (17) ITO Ward 5 (18) ITO Ward 5 (19) ITO Ward 5 (20) ITO Ward 5 (21) AC (INV.) Cir. 1, Asansol AC Cir. 1, Asansol ITO Ward 1, Asansol ITO Ward 2, Asansol ITO Ward 3, Asansol ITO Ward 4, Asansol ITO Ward 1, Durgapur ITO Ward 2, Durgapur ITO Ward 3, Durgapur ITO Ward 1, Burdwan ITO Ward 2, Burdwan ITO Suri ITO Bankura ITO Purulia

Where an Income Tax Circle Ward or Special Range or part thereof stands transferred by this notification from one charge to another, appeals arising out of the assessment made in these Income Tax Wards/Circles/Special Ranges or Parts thereof and pending immediately before the date from which this notification takes effect before the Commissioner of Income Tax (Appeals) from whose charge that Income Tax Ward/Circle/Special Range or Part thereof is transferred shall, from the date from which this notification shall take effect, be transferred to and dealt with by Commissioners of Income tax (Appeals) to whom the said Ward/Circle/Special Range or Part thereof is transferred.

This notification shall take effect from 7-8-1989.

[No. ITO/HQ/Tech/30/88-89/No. 7/89-90]
A.K. GHOSH, Chief Commissioner of Income Tax
(Technical)

वाणिज्य मंत्रालय

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

आदेश

नई दिल्ली, 27 दिसम्बर, 1989

का.आ. 86.—मै. भारत हेवी इलेक्ट्रिकल्स लि., राणीपुर (हरिद्वार)
को मुक्त विदेशी मूद्रा के अंतर्गत पूंजीगत माल का आयात करने हेतु
र. 62,03,159— (चासठ लाख, तीन हजार एक सौ उन्नसठ रु० मात्र)

के लिए 15-3-89 का एक आयात लाइसेंस सं. 1/सी.जी. 2044784 सी./एम्स एम्स एच/एच/89/सी.जी. 2 एम्.एस. स्वीकृत किया गया था।

कर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की दूसरी प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति खो गई है या ग़ुम हो गई है। आगे यह भी कहा गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति को किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया था और इस कारण से सीमा शुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी प्रयोग नहीं किया गया है।

2. इस तर्क के समर्थन में लाइसेंसधारक ने नोटरी पब्लिक के समक्ष विधिवत शपथ लेते हुए एक हलफनामा भी मंगल किया है। तदनुसार मैं सन्तुष्ट हूँ कि 15-3-89 के आयात लाइसेंस सं. 1/सी.जी. 2044784 की सीमाशुल्क प्रयोजन प्रति कर्म से खो गई है या ग़ुम हो गई है। 7-12-1955 के सभा संशोधित आयात (नियंत्रण) आदेश, 1955 के उपखंड (9 सी.सी.) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, भारत हेवी इलेक्ट्रिकल्स लि. रानीपुर को जारी की गई 15-3-89 की मूल सीमाशुल्क प्रयोजन प्रति सं. 1/सी.जी. 2044784 को एतद द्वारा रद्द किया जाता है।

3. पार्टी को उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की दूसरी प्रति अलग से जारी की जा रही है।

[सं. सी.जी.-2/एच/15-88-89/1304]

बी.आर. अहीर, उप मुख्य नियंत्रक,
आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 27th December, 1989

S.O. 86.—M/s. Bharat Heavy Electricals Ltd., Ranipur (Hardwar) were granted an import licence No. I/CG/2044784/C/XX/11/H/89/CGII/LS dated 15-3-89 for Rs. 62,03,159 (Rupees Sixty Two lakhs three thousand one hundred and fifty nine only) for import of capital goods under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the above mentioned licence on the ground that the original Customs Purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was not registered with any Customs Authority and as such the value of Customs Purpose copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Haridwar. I am accordingly satisfied that the original Customs Purposes copy of import licence No. I/CG/2044784 dt. 15-3-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended the said original Customs Purposes copy No. I/CG/2044784 dt. 15-3-89 issued to M/s. Bharat Heavy Electricals Ltd., Ranipur is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately.

[No. CGII/HI/15/88-89/1304]

B. R. AHIR, Dy. Chief Controller of
Import and Export

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 4 जनवरी, 1990

का. आ. 87—केंद्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे की सारणी के स्तम्भ 1 में उल्लिखित अधिकारी को, जो सरकार का राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती हैं, जो उक्त सारणी के स्तम्भ (2) में संसद्वादी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के सम्बन्ध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा :—

सारणी	
अधिकारी का पदाभिधान	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
श्री जमील मूर्तजा हानी सिविल सेवा दिल्ली प्रशासन के दिल्ली राज्य औद्योगिक विकास निगम नई दिल्ली में प्रतिनियुक्ति पर अधिकारी।	दिल्ली राज्य औद्योगिक विकास निगम लिमिटेड, नई दिल्ली के स्वामित्वाधीन उसके द्वारा अर्जित या किराये पर लिए गए सरकारी स्थान

[फा. सं. 15/14/ 89-एम. एस. आई. (पी)]

पूर्ण सिंह, सचिव

MINISTRY OF INDUSTRY

DEPARTMENT OF INDUSTRIAL DEVELOPMENT

New Delhi, the 4th January 1980

S.O. 87:—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being a gazetted officer of Government to be estate officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate officer

by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table :—

TABLE

Name & Designation of Officer	Category of Public Premises and local limits of jurisdiction
(1)	(2)
1. Shri Jamil Murtaza, A DANI Civil Service Officer of Delhi Administration on deputation to Delhi State Industrial Development Corporation, New Delhi.	Public Premises owned/acquired or hired by the Delhi State Industrial Development Corporation Limited, New Delhi.

[F.No. 15/14/89-SSI(P)]
PURANSINGH, Under Secy.

ऊर्जा नज्वालय

(कोयला विभाग)

नई दिल्ली 19 दिसम्बर, 1989

क्र.पा. 88.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इससे उपायय अनुसूची में वर्णित भूमि से कोयला अभिप्राप्त की संभावना है;

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एस ई सी एल.बी.एस.पी.ओ.एम (परि): भूमि/49 तारीख 7 दिसम्बर, 1989 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495001 के कार्यालय में या कलक्टर डेनकनाल (उड़ीसा) के कार्यालय में या कोयला नियंत्रक, 1-काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय से किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि से हितवन्त सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में विनिर्दिष्ट सभी नश्वों, खाटों और अन्य वस्तुओं की इस अधिसूचना के राजपत्र में प्रकाशित होने की तारीख से नब्बे दिन के अन्दर उप-मुख्य सम्पदा प्रबंधक साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर को परिचित करेंगे।

अनुसूची

उत्कल ब्लॉक

तालुका कोयला क्षेत्र

जिला डेनकनाल (उड़ीसा)

रेखांक सं. एस ई सी एल.बी.एस.पी.ओ.एम (प्रोज) भूमि: 49
तारीख 7 दिसम्बर, 1989 (जो पूर्वोक्षण के लिए अधिसूचित भूमि दर्शाता है)

क्र.सं. ग्राम का नाम	ग्रामा.सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1. रायभरत	61	छेमदीपाव	डेनकनाल	934.439	भाग
2. गोलामरिया	63	छेमदीपाव	यथोक्त	223.723	पूर्ण
3. छोटाबेरिनी	64	यथोक्त	यथोक्त	191.420	भाग
4. कौनसिधिपा	63	यथोक्त	यथोक्त	232.655	पूर्ण
5. कंकरई	65	यथोक्त	यथोक्त	37.232	भाग
6. बुगपुर आरक्षित वन—		यथोक्त	यथोक्त	142.048	भाग
कुल क्षेत्र:		1761.517	हेक्टर (लगभग)		
या		4352.71	एकड़ (लगभग)		

सीमा वर्णन:

क-ख	रेखा "क" बिन्दु से आरम्भ होती है और रायभरत गोलामरिया, छोटाबेरिनी ग्रामों की उत्तरी सीमा के साथ चलती है जो नदी के साथ-साथ भी जाती है और बिन्दु "ख" पर मिलती है।
ख-ग	रेखा छोटा बेरिनी कंकरई ग्रामों से होकर गुजरती है और रायभरत ग्राम की सीमा पर बिन्दु "ग" पर मिलती है।
ग-घ	रायभरत ग्राम और बुगपुर आरक्षित वन होकर जाती है और बिन्दु "घ" पर मिलती है।
घ-ज	रेखा बुगपुर आरक्षित वन होकर जाती है और आरक्षित बिन्दु "क" पर मिलती है।

[सं. 43015/21/89-एल.एस.पी.ओ.एम.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 19th December, 1989

S.O. 88.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan No. SECL : BSP : GM (Proj) : Land 49, dated the 7th September, 1989 of the area covered by this notification can be inspected at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 or at the office of the Collector, Dhenkanal (Orissa), or at the office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Dy. Chief Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

UTKAL BLOCK

TALCHER COALFIELD

DISTRICT DHENKANAL (ORISSA)

Plan number SFCL BSP : GM (Proj) : Land 49

dated the 7th September 1989

(Showing land notified for prospecting)

Sl. No.	Name of Village	Thana Number	Tahsil	District	Area in Hectares	Remarks
1.	Rajjharan	61	Chhendipada	Dhenkanal	934.439	Part.
2.	Golagaria	63	Chhendipada	Dhenkanal	223.723	Full.
3.	Chhotaberi	64	Chhendipada	Dhenkanal	191.420	Part.
4.	Kaunsidhipa	63	Chhendipada	Dhenkanal	232.655	Full.
5.	Kankarei	65	Chhendipada	Dhenkanal	37.232	Part.
6.	Durgapur Reserve Forest	—	Chhendipada	Dhenkanal	142.048	Part.
Total : —					1761.517 hectares (approximately)	
					OR	
					4352.71 acres (approximately)	

Boundary Description : —

- A—B Line starts from point 'A' and proceeds along the northern boundary of villages Rajjharan, Golagaria, Chhotaberi which also along the river and meets at point 'B'.
- B—C Line passes through villages Chhotaberi, Kankarei and meets on Rajjharan village boundary at point 'C'.
- C—D Line passes through village Rajjharan and Durgapur Reserve Forest and meets at point 'D'.
- D—A Line passes through Durgapur Reserve Forest and meets the starting point at 'A'.

[No. 43015/21/89-LSW]

नई दिल्ली, 20 दिसम्बर, 1989

का. आ. 89.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायय अनुसूची में उल्लिखित भूमि से कोयला अभिप्राप्त किए जाने की संभावना है;

अतः, केन्द्रीय सरकार, कोयला धार क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयला की खोज करने के अपने अभिप्राय की सूचना देती है,

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एल. : बी.एस.पी. : जोसन (परियोजना) भूमि 52, तारीख 7 दिसम्बर, 1989 का निरीक्षण साउथ ईस्टर्न कोलफील्ड लि. (राजस्व विभाग) सीपत रोड, बिलासपुर-495001 के कार्यालय में या कलक्टर, रीयस (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितवन्ध सभा व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी बातों, बाटों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर 37, मुख्यमन्त्री सम्मदा प्रबन्धक, साउथ ईस्टर्न कोलफील्ड लि., सीपत रोड, बिलासपुर को देगा।

पुनर्गठन

छात्र कक्षा

मोहम्मदगढ़ कोयलाखन

जिला रायगढ़ (मध्य प्रदेश)

(रेखांक सं. एम ई सी.एल.: सी एस.पी. जी. एस.) परियोजना (भूमि. 52 तारीख 7 मिनम्बर, 1989) (पूर्वक्षण के लिए अधिसूचित भूमि को दर्शाते हुए)

क्रम सं.	ग्राम	पटवारी सं.	हल्का	तहसील जिला	क्षेत्र हेक्टर में	टिप्पण
1.	छात्र	30	धर्मजयगढ़	रायगढ़	1248.587	पूरा
2.	लत	30	धर्मजयगढ़	रायगढ़	607.521	पूरा
3.	चन्द्रशेखरपुर	31	धर्मजयगढ़	रायगढ़	479.319	पूरा
4.	पुसलदा	31	धर्मजयगढ़	रायगढ़	1376.370	पूरा
5.	बेडापल्ली	30	धर्मजयगढ़	रायगढ़	177.026	पूरा
6.	बन्दापल्ली	31	धर्मजयगढ़	रायगढ़	170.250	पूरा
7.	नवापारा	31	धर्मजयगढ़	रायगढ़	275.714	पूरा
8.	बोगिया	31	धर्मजयगढ़	रायगढ़	717.354	पूरा
9.	गदायनबाहिरी	31	धर्मजयगढ़	रायगढ़	300.453	पूरा
कुल					5352.594 हेक्टर (लगभग)	
					या	
					13226.27 एकड़ (लगभग)	

सीमा वर्णन:

- क-ख रेखा "क" बिन्दु से प्रारम्भ होती है और ग्राम छात्र, गदायन बाहरी, बोगिया की उत्तरी सीमा के साथ-साथ आगे बढ़ती है और "ख" बिन्दु पर मिलती है।
- ख-ग रेखा ग्राम बोगिया नवापारा, पुसलदा की पूर्वी सीमा के साथ आगे और "ग" बिन्दु पर मिलती है।
- ग-घ-ङ रेखा ग्राम पुसलदा, चन्द्रशेखरपुर की दक्षिणी सीमा के साथ-साथ आगे बढ़ती है जो नदी के साथ है और "ङ" बिन्दु पर मिलती है।
- ङ-च रेखा ग्राम लत, छात्र की पश्चिमी के साथ-साथ आगे बढ़ती है जो नदी के साथ है और प्रारम्भ बिन्दु "क" पर मिलती है।

[सं. 43015/19/89 एन.एस. ई.एल.]

बी.सी. राव, सचिव

New Delhi, the 20th December, 1989

S.O. 89.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan No. SECL : BSP : GM (Project) : Land : 52 dated the 7th September, 1989 of the area covered by this

notification can be inspected at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 or at the office of the Collector, Raigarh (Madhya Pradesh), or at the office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Dy. Chief Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from due date of publication of this notification in the Official Gazette.

SCHEDULE
CHHAL BLOCK
KORBA AREA
MAND-RAIGARH COALFIELD
DISTRICT-RAIGARH (MADHYA PRADESH)
 Plan M. SECL : BSP : GM(Proj) : Land : 52
 dated 7th September, 1989
 (Showing land notified for prospecting)

Sl. No.	Village	Patwari Halka Number	Tahsil	District	Area in Ha.	Remarks.
1.	Chhal	30	Dharamjaygarh	Raigarh	1248.587	Full
2.	Lat	30	Dharamjaygarh	Raigarh	607.521	Full
3.	Chandra Shikharpur	31	Dharamjaygarh	Raigarh	479.319	Full
4.	Pusda	31	Dharamjaygarh	Raigarh	1376.370	Full
5.	Khadapali	30	Dharamjaygarh	Raigarh	177.026	Full
6.	Bandhapali	31	Dharamjaygarh	Raigarh	170.250	Full
7.	Navapara	31	Dharamjaygarh	Raigarh	275.714	Full
8.	Bogiya	31	Dharamjaygarh	Raigarh	717.354	Full
9.	Gadainbahri	31	Dharamjaygarh	Raigarh	300.453	Full
Total : —					5352.594 hectares (approximately) or 13226.20 acres (approximately)	

Boundary Description :

A-B Line starts from point 'A' and proceeds along the northern boundary of villages Chhal, Gadainbahri, Bogiya and meets at point 'B'.

B-C Line proceeds along the eastern boundary of villages Lat, Chhal and which is also along the point 'C'.

C.D.E Line proceeds along the southern boundary of villages Pusda, Chandrashekharpur, which is also along the river and meets at point 'E'.

E-A Line proceeds along the western boundary of villages Lat, Chhal and which is also along the river and meets at the starting point 'A'.

[No. 43015]19/89-LSW]

B. B. RAO, Under Secy.

अब, अब: उक्त अधिनियम का धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अन्तुची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं में मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अन्तुची

चांकारी टा. बिन्दु से जिल्फा तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात;	जिला : बड़ोदरा	तालुका : पदरा		
गांव	सर्वे नं.	हे	आर	सेन्टी
1	2	3	4	5
उबका	243	0	07	00
	240	0	16	00
काटे ट्रेक		0	01	00
	239	0	14	00
	232	0	07	00
	231	0	20	00
काटे ट्रेक		0	02	20
	225	0	15	50
	226	0	17	00
काटे ट्रेक		0	01	40
	194	0	02	62
	193	0	00	38
	183	0	08	00
	184	0	15	00

पेट्रोलियम और प्राकृतिक गैस संचालय

नई दिल्ली, 22 नवम्बर, 1989

का.आ.90—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संचालय की अधिसूचना का.आ. सं. 2136 तारीख 9-9-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अन्तुची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन की बिछाने के लिए अर्जित करने का अपना आग्रह घोषित कर दिया था।

और यतः तक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार-कर्म के पश्चात् इस अधिसूचना में संलग्न अन्तुची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

1	2	3	4	5
	185	0	25	00
	368	0	05	00
	काठ ट्रैक	0	06	00
	172	0	00	05
	171	0	14	50
	169	0	12	05
	167	0	37	29
	422	5	04	80
	419	0	05	40
	420	0	34	50
	421	0	05	25
	काठ ट्रैक	0	01	50
	406	0	03	20
	405	0	19	05
	404	0	10	80
	388	0	04	00
	403	0	13	00
	399	0	02	40
	398	0	02	10
	397	0	03	10
	396	0	02	70
	395	0	03	00
	394	0	02	70
	392	0	08	80
	400	0	20	00
	393	0	04	32
	काठ ट्रैक	0	02	40

[सं. ओ-11027/66/89-मोएनजा-III]

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 22nd December, 1989

S.O. 90.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2136 dated 9-9-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Use in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari T. Point to GIPCO

State : Gujarat District Vadodara Taluka : Padra

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Dabaka	243	0	07	00
	240	0	16	00
	Cart track	0	01	00
	239	0	14	00
	232	0	07	00
	231	0	20	00
	Cart track	0	02	20
	225	0	15	80
	226	0	17	00
	Cart track	0	01	40
	194	0	02	62
	193	0	00	38
	183	0	08	00
	184	0	15	00
	185	0	25	00
	368	0	05	00
	Cart track	0	06	00
	172	0	00	05
	171	0	14	50
	169	0	12	05
	167	0	37	29
	422	0	04	80
	419	0	05	40
	420	0	34	50
	421	0	05	25
	CT	0	01	50
	406	0	03	20
	405	0	19	05
	404	0	10	80
	388	0	04	00
	403	0	13	00
	399	0	02	40
	398	0	02	10
	397	0	03	10
	396	0	02	70
	395	0	03	00
	394	0	02	70
	392	0	08	80
	400	0	20	00
	393	0	04	32
	CT	0	2	40

[No. O-11027/66/89-ON.GD-III]

का.भा. 91—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 2148 तारीख 9-9-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सश्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट देयी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चोकारी 'टी' बिन्दु से जिनको तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : वडोदरा तालुका : पदरा

गांव	सर्वे नं.	हेक्टेयर	आर	सेन्टी.
1	2	3	4	5
उमराया	116	0	22	89
	123	0	08	64
	124	0	11	59
	125	0	06	49
	126	0	05	91
	156	0	13	05
	157	0	00	57
	155/1	0	20	03
	155/2	0	11	71
	154	0	03	82
	153/2	0	14	47
	152	0	12	49
	151	0	07	54
	288	0	15	93
	289/2	0	00	53
	287	0	15	37
	295	0	26	04
	303	0	00	94
	305	0	08	18
	304	0	16	09
	307/2	0	05	30
	308/1-2	0	15	84
	309	0	00	87

1	2	3	4	5
	310	0	11	55
	धाटे ट्रेक	0	01	40
	311	0	03	33
	काई ट्रेक	0	07	59
	355/1	0	06	81
	355/2	0	13	48
	354	0	08	64
	335	0	09	39
	336	0	17	10

[सं. ओ-11027/70/89-ओ एन जी. डी-III]

S.O. 91.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2148 dated 9-9-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari T. Point To GIPCO

State : Gujarat District : Vadodara Taluka :

Padra

Village	Survey No.	Hec-tare	Are	Centiare
1	2	3	4	5
Umaraya	116	0	22	89
	123	0	08	64
	224	0	11	59
	125	0	06	49
	126	0	05	91
	156	0	13	05
	157	0	00	57
	155/1	0	20	03
	155/2	0	11	71

1	2	3	4	5
	154	0	03	82
	153/2	0	14	47
	152	0	12	49
	151	0	07	54
	288	0	15	93
	289/2	0	00	53
	287	0	15	37
	295	0	26	04
	303	0	00	94
	305	0	08	18
	304	0	16	09
	307/2	0	05	30
	308/1-2	0	15	84
	309	0	00	87
	310	0	14	55
	Cart track	0	04	40
	311	0	03	33
	Cart track	0	07	59
	355/1	0	06	81
	355/2	0	13	48
	354	0	08	64
	335	0	09	39
	336	0	17	10

[No. O-1027/70/89-ONG. D-III]

का.भा. 92.—पेट्रोलियम और खनिज पाइपलाइन भूमि के उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 2149 तारीख 9-9-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पान्ना इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्णय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की बजाय तेल और प्राकृतिक गैस शोधन में, गैसी पाइपलाइन में द्रव्य रूप में, पीपिंग के प्रकाशन की उक्त तारीख को निहित होगा।

अनुसूची				
चोकरी टी बिन्दु से जिनको तक पाइप लाइन बिछाने के लिए				
राज्य: गुजरात;	जिला: बड़ोदरा	तालुका: पारर		
गाँव	म. सं.	हेक्टेयर आर	सेंटीयर	
1	2	3	4	5
एकलपाश	622	0	14	90
	621	0	21	35
	591	0	05	84
	592	0	28	30
	590	0	02	30
	काट ट्रेक	0	01	09
	351	0	11	27
	544	0	00	92
	550	0	04	37
	552	0	10	75
	549	0	01	93
	553	0	19	48
	काट ट्रेक	0	03	26
	548	0	03	37
	467	0	08	88
	466	0	02	54
	465	0	03	40
	468	0	12	06
	464	0	24	11
	558	0	06	02
	462	0	12	01
	461	0	03	81
	काट ट्रेक	0	04	55
	242	0	17	48
	243	0	19	78
	233	0	01	14
	234	0	14	95
	कोटार	0	03	08
	87	0	21	81
	88	0	17	85
	92	0	01	57
	91	0	12	32
	105	0	34	80
	104	0	26	33
	122	0	24	85
	123	0	10	84
	काट ट्रेक	0	01	18
	124	0	04	26
	काट ट्रेक	0	03	17
	125	0	13	61

[सं. श्री-11027/71/89-अंगनवाडी-III]

S.O. 92.—Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. No. 2149 dated 9-9-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari T. Point to GIPCO
State : Gujarat District : Vadodra Taluka : Padra

Village	Sufvey No.	Hec- tare	Are Centi- tiare	
1	2	3	4	5
Akalbara	622	0	14	90
	621	0	21	35
	591	0	05	84
	492	0	28	30
	590	0	02	30
Cart track		0	01	09
	551	0	11	27
	544	0	00	92
	550	0	04	37
	552	0	10	75
	549	0	01	93
	553	0	19	48
Cart track		0	03	26
	548	0	03	37
	467	0	08	88
	466	0	02	54
	465	0	03	40
	468	0	12	06
	464	0	24	11
	558		06	02
	462	0	12	01
	461	0	03	81
Cart track		0	04	55
	242	0	17	48
	243	0	19	78
	233	0	01	14
	234	0	14	95
Kotar		0	03	08

1	2	3	4	5
	87	0	21	81
	88	0	17	85
	92	0	04	57
	91	0	12	32
	105	0	34	80
	104	0	26	33
	122	0	24	85
	123	0	10	84
Cart track		0	01	18
	124	0	04	26
Cart track		0	03	17
	125	0	13	61

[No. O-11027/71/89-ONGD-III]

का.प्र. 93.--यत्. पेट्रोलियम और अजित पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (i) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना क.प्र.सं. 2150 तारीख 9-9-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अजित करने का अपना अग्रण्य कौशल कर दिया था।

और यत्. मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (i) के अधीन सरकार को रिपोर्ट दे दी है।

और आग, यत्. केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अजित करने का विनिश्चय किया है।

अब, यत्. उक्त अधिनियम की धारा 6 की उपधारा (i) द्वारा प्रवक्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की उस तारीख को निहित होगा।

अनुसूची

ओकारी टी बिन्दु से जिल्को तक पाइप लाइन बिछाने के लिए

राज्य: गुजरात;	जिला: बड़ोदरा;	तालुका: पार		
शक्ति	स. नं.	हेक्टेयर	आर	से.
1	2	3	4	5
जमपुर	669	0	05	84
	664	0	27	88
	659	0	12	02
	660	0	07	75
	654	0	06	14
	655	0	10	56
	644	0	20	73
काई ट्रेक		0	00	80

1	2	3	4	5
	645	0	08	56
	646/π	0	12	67
	634	0	19	43
	625	0	08	97
	636	0	09	00
	637	0	00	50
	629	0	25	14
	630	0	06	88
	622	0	11	32
	623	0	21	16
	610	0	06	40
	611	0	15	01
	612	0	15	41
	613	0	16	60
	602	0	10	56
	601	0	23	46
	597	0	20	96
	584	0	27	30
	554/1	0	24	80
	554/2	0	22	12
	540	0	01	30
	553	0	12	75
	545	0	38	34
	काटे देक	0	00	80
	505	0	02	33
	504	0	11	56
	506	0	16	88
	काटे देक]	0	00	60
	507	0	17	12
	509	0	03	81
	518	0	06	74
	517	0	21	14
	212/1	0	00	73
	213	0	12	71
	214	0	05	61
	215/1	0	14	44
	216	0	15	72
	217	0	07	96
	काटे देक	0	02	72
	296/1+2	0	33	52
	297	0	00	47
	काटे देक	0	01	46
	270	0	00	77
	271	0	11	88
	272	0	11	68
	273/1	0	10	52
	275	0	23	62

[सं. प्रो-11027/72/89-प्रो एन जी सी-III]

S.O. 93.—Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. No. 2150 dated 9-9-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari T. Point To GIPCO.

State : Gujarat District : Vadodara Taluka : Padra

Village	Survey No.	Hec- tare	Are	Centi- tiare
1	2	3	4	5
Jaspur	669	0	05	84
	664	0	27	88
	659	0	12	02
	660	0	07	75
	654	0	06	14
	655	0	10	56
	644	0	20	73
	Cart track	0	00	80
	645	0	08	56
	646/A	0	12	67
	634	0	19	43
	635	0	08	97
	636	0	09	00
	637	0	00	50
	629	0	25	14
	630	0	06	88
	622	0	11	32
	623	0	21	16
	610	0	06	40
	611	0	15	01
	612	0	15	41
	613	0	16	60
	602	0	10	56
	601	0	23	46
	597	0	20	96
	584	0	27	30
	554/1	0	24	80
	554/2	0	22	12

1	2	3	4	5
	540	0	01	30
	553	0	12	75
	545	0	38	34
	Cart track	0	00	80
	505	0	02	33
	504	0	11	56
	506	0	16	58
	Cart track	0	00	60
	507	0	17	12
	509	0	03	81
	518	0	06	74
	517	0	21	14
	212/1	0	00	73
	213	0	12	71
	214	0	05	61
	215/1	0	14	44
	216	0	15	72
	217	0	07	96
	Cart track	0	02	72
	296/1+2	0	33	52
	297	0	00	47
	Cart track	0	01	46
	270		00	77
	271	0	11	88
	272	0	11	68
	273/1	0	10	52
	275	0	23	62

[No. O-11027/72/89-ONG. D-III]

का. प्रा. 94.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 2499 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्द्वारा घोषित करते हैं कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती हैं कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की यजय तेज और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची				
बोकारो से बिन्दु से जिनको तक पाइप लाइन बिछाने के लिए				
राज्य गुजरात जिला : बड़ोदरा तालुका : पादरा				
गांव	सर्वे नं.	हेक्टेयर	आर	सेन्टी- यार
1	2	3	4	5
लुना	380	0	16	44
	381	0	13	20
	402/1	0	10	28
	402/2	0	16	80
	403/1	0	21	64
	403/2	0	35	15
	कार्ट ट्रैक	0	02	00
	446/1	0	04	63
	446/2	0	04	03
	446/3	0	04	03
	446/4	0	04	03
	446/5	0	04	03
	446/6	0	04	03
	449/1	0	08	00
	445/2	0	12	10
	442	0	09	15
	441/1	0	02	62
	440	0	11	60
	507	0	17	60
	513	0	13	60
	519/2	0	01	80
	520	0	15	80
	518/1	0	14	60
	533	0	02	50
	534	0	02	50
	535	0	02	50
	536	0	02	50
	537	0	02	50
	538	0	02	50
	539	0	04	18
	544	0	06	47
	545	0	01	25
	कार्ट ट्रैक	0	01	40
	568	0	15	60
	569	0	12	20
	570	0	09	38
	कार्ट ट्रैक	0	04	50

[म. ओ-11027/74/89-ओ. एन. जी. डी.-III]

S.O. 94.—Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. No. 2499 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from Chokari T. Point to GIPCO.

State : Gujarat District: Vadodara Taluka : Padra

Village	Survey No.	Hec- tare	Are	Centi- tiare
1	2	3	4	5
Luna	380	0	16	44
	381	0	13	20
	402/1	0	10	28
	402/2	0	16	80
	403/1	0	21	64
	403/2	0	35	15
	Cart track	0	02	00
	446/1	0	04	63
	446/2	0	04	03
	446/3	0	04	03
	446/4	0	04	03
	446/5	0	04	03
	446/6	0	04	03
	449/1	0	08	00
	445/2	0	12	10
	442	0	09	15
	441/1	0	02	62
	440	0	11	60
	507	0	17	60
	513	0	13	60
	519/2	0	01	80
	520	0	15	80
	518/1	0	14	60
	533	0	02	50
	534	0	02	50
	535	0	02	50
	536	0	02	50
	537	0	02	50
	538	0	02	50
	539	0	04	18
	544	0	96	47

1	2	3	4	5
	545	0	01	25
	Cart track	0	01	40
	568	0	15	60
	569	0	12	20
	570	0	09	38
	Cart track	0	04	50

[No. O-11027/74/89-ONG. D-III]

का.अ. 95. --यन. पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) का धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय को अधिसूचना का.अ. सं. 2502 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अग्रता प्राप्ति घोषित कर दिया था।

और यन. मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है :

और आगे, यन. केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की वजह से और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख की निहित होगी।

अनुसूची

ओकारा टी. बिन्दु से जिफो तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : वडोदरा ता : पादरा

गांव	अवाकत.	हे.	आर	सेन्टी.
1	2	3	4	5
मृजफर	1261	0	10	33
	1265	0	11	28
	1259	0	07	61
	1258	0	07	43
	1257	0	10	98
	1256	0	21	91
	1284	0	17	18
	1286	0	00	35
	1289	0	19	38
	1290	0	02	00
काईटेक		0	00	65

1	2	3	4	5	1	2	3	4	5
	1240	0	08	60		471	0	19	34
	1239	0	12	93		472	0	07	28
	1234	0	10	13		काटं ट्रेक	0	00	60
	1235	0	10	33		399	0	00	86
	1221	0	15	18		400	0	27	20
	1222	0	12	93		401	0	15	88
	1215	0	08	78		410	0	05	36
	1214	0	07	88		452	0	13	18
	1213	0	03	95		407	0	20	16
	काटं ट्रेक	0	01	00		काटं ट्रेक	0	01	12
	1159	0	09	71		351	5	02	81
	1160	0	06	23		352	0	15	72
	1158	0	07	93		353	0	11	28
	1164	0	22	28		354	0	08	93
	1165	0	10	82		361	0	04	55
	काटं ट्रेक	0	01	52		362	0	04	60
	982	0	17	07		363	0	19	23
	983	0	00	76		1212	0	03	55
	975	0	21	08	[स. श्री.-11027/77/89-प्र.एन.जी.डी.-III]				
	976	0	06	63	<p>S.O. 95.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2502 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.</p> <p>And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;</p> <p>And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.</p> <p>Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;</p> <p>And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.</p>				
	977	0	17	65					
	970	0	00	35					
	काटं ट्रेक	0	00	60					
	843	0	01	54					
	844	0	19	93					
	845	0	04	00					
	818	0	12	18					
	849	0	16	68					
	850	0	05	30					
	काटं ट्रेक	0	01	00					
	953	0	08	68					
	952	0	10	68					
	951	0	05	40					
	949	0	04	75					
	948	0	05	26					
	947	0	01	03					
	864	0	26	04					
	865	0	21	03					
	682	0	05	40					
	678	0	24	23					
	679	0	00	80					
	676	0	09	14					
	675	0	08	95					
	654/ग	0	05	18					
	655	0	11	61					
	663	0	00	84					
	658	0	19	10					
	494	0	06	92					
	498/ग	0	01	64					
	496	0	04	38					
	497	0	08	31					
	493	0	00	62					
	काटं ट्रेक	0	00	75					
	486	0	12	63					
	584	0	13	98					

SCHEDULE

Pipeline from Chokari T. Point to Gipco.

State : Gujarat District : Vadodara Taluka : Padra

Village	Block No.	Hec- tare	Are	Centiare
1	2	3	4	5
Mujpur	1264	0	10	33
	1265	0	11	28
	1259	0	07	61
	1258	0	07	43
	1257	0	10	98
	1256	0	21	91

1	2	3	4	5	1	2	3	4	5
	1284	0	17	18		658	0	19	10
	1286	0	00	35		494	0	06	92
	1289	0	19	38		498/A	0	01	64
	1290	0	02	00		496	0	04	38
	Cart track	0	00	65		497	0	08	31
	1240	0	08	60		493	0	00	62
	1239	0	12	93		Cart track	0	00	75
	1234	0	10	13		486	0	12	63
	1235	0	10	33		584	0	13	98
	1221	0	15	18		471	0	19	34
	1222	0	12	93		472	0	07	28
	1215	0	08	78		Cart track	0	00	60
	1214	0	07	88		399	0	00	86
	1213	0	03	95		400	0	27	20
	Cart track	0	01	00		401	0	15	88
	1159	0	02	71		410	0	05	36
	1160	0	06	23		402	0	13	18
	1158	0	07	93		407	0	20	16
	1164	0	22	28		Cart track	0	01	12
	1165	0	10	82		351	0	02	81
	Cart track	0	01	52		352	0	15	72
	982	0	18	07		353	0	11	28
	983	0	00	76		354	0	08	93
	975	0	21	08		361	0	04	55
	976	0	06	63		362	0	04	60
	977	0	17	65		363	0	19	23
	970	0	00	35		x212	0	03	55
	Cart track	0	00	60					
	843	0	01	54					
	844	0	19	93					
	845	0	04	00					
	848	0	12	28					
	849	0	16	68					
	850	0	05	30					
	Cart track	0	01	00					
	953	0	08	68					
	952	0	10	68					
	951	0	05	40					
	949	0	04	75					
	948	0	05	26					
	947	0	01	03					
	864	0	26	04					
	865	0	21	03					
	682	0	05	40					
	678	0	24	23					
	679	0	00	80					
	676	0	09	14					
	675	0	08	95					
	654/A	0	05	18					
	655	0	11	61					
	663	0	00	84					

अनुसूची

जी. ए. एन. यु. से जी. एन. ए. यूप. तक पश्चिम लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : जंबूसर		
गांव	ब्लॉक नं.	हे.	आर	सेन्टी.
डोलीया	283	0	11	83
	282	0	03	64
	281	0	10	14
	279	0	12	35
	227	0	12	48
	228	0	14	69
	229	0	17	55
	239	0	10	66
	238	0	00	06
	240	0	00	50
	241	0	14	43
	242	0	09	62
	188	0	10	92
	186	0	06	50
	185	0	09	10
	182	0	13	65
	181	0	12	61
	385	0	12	62
	387	0	07	02
	394	0	24	31
	392	0	57	98
	393	0	36	40

[सं. ओ-11027/81/89-ओ. एन. जी. डी.-III]

S.O. 96.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2504 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNAU To GNAQ.

State : Gujarat District : Bharuch Taluka : Jam-busar

Village	Block No.	Hec-tare	Arc	Cent-tiare
Dolia	283	0	11	83
	282	0	03	64
	281	0	10	14
	279	0	12	35
	227	0	12	48
	228	0	14	69
	229	0	17	55
	239	0	10	66
	238	0	00	06
	240	0	00	50
	241	0	14	43
	242	0	09	62
	188	0	10	92
	186	0	06	50
	185	0	09	10
	182	0	13	65
	181	0	12	61
	385	0	12	62
	387	0	07	02
	394	0	24	31
	392	0	57	98
	393	0	36	40

[No. O-11027/81/89-ONG. D-III]

का. प्रा. 97:- यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 2507 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में सलसल अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का पाइपलाइन की बिछाने के लिए अर्जित करने का अन्तर्गत अधिनियम घोषित कर दिया था।

और यतः मध्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

और अतः, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में सलसल अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलसल अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अधिनियमित किया जाना है।

और चाहे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से उक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

दाहेज-8 से दाहेज उच्च-एन.एन.आई. तक पाइप लाइन बिछाने के लिए
राज्य : गुजरात जिला : भरुच तालुका : धागरा

गांव	अंक नं.	हे.	आर	सेन्टी.
राहियाद	840	0	19	30
	841	0	01	75
	842	0	08	45
	कार्ट ट्रैक	0	02	60
	850	0	20	54
	849	0	01	25
	852	0	02	00
	853	0	13	52
	852	0	09	25
	860	0	02	65
	858	0	14	30
	कार्ट ट्रैक	0	02	60

[सं. ओ-11027/82/89-ओ. एन. जी. डी.-III]

S.O. 97.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2507 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Dahej-8 to Bahej WHI.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Arc	Centiare
Rahiyad	840	0	19	30
	841	0	01	75
	842	0	08	45
	Cart track	0	02	60
	850	0	20	54
	849	0	01	25
	852	0	02	00
	853	0	13	52
	852	0	09	25
	860	0	02	65
	858	0	14	30
	Cart track	0	02	60

[No. O-11027/82/89-ONG-D-III.]

का.मा. 98--यन. पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.मा. सं. 2515 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यन. सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यन. केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, शर्तों बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची				
दहेज-2 से दहेज-डब्ल्यू एच तक पाइपलाइन विछाने के लिए				
राज्य—गुजरात जिला—भरुच तालुका—वागरा				
गांव	ब्लॉक नं.	हे.	आर	सेंटी.
कोलियाद	46	0	08	30
	46/पी	0	14	30
	45/पी	0	18	60
	44	0	05	70
	41	0	05	50
	1/ए/पी	01	30	40
	232	0	11	70
	228	0	04	80
	227	0	20	00
	229	0	18	35
	178/बी	0	10	40
	178/ए	0	13	40
	225	0	00	60
	190	0	13	65
	191	0	17	40
	187	0	25	30
	183/बी	0	12	70

[सं. ओ-11027/83/89-ओ एनजेड-III]

S.O. 98.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2515 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has, under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Dahej-2 to Dahej WHI

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Koliyad	46/P	0	08	30
	46/P	0	14	30
	45/P	0	18	60
	44	0	05	70
	41	0	05	50

1	2	3	4	5
	1/A/P	01	30	40
	232	0	11	70
	228	0	04	80
	227	0	20	00
	229	0	18	35
	178/B	0	10	40
	178/A	0	13	40
	225	0	00	60
	190	0	13	65
	191	0	17	40
	187	0	25	30
	183/B	0	12	70

[No. O-11027/83/89-ONG. D-III]

का.भा. 99—अतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 2508 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन के विछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विश्वास करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार पश्चात् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख की तिथि होगी।

अनुसूची

दहेज-2 से दहेज-डब्ल्यू एच आई तक पाइपलाइन विछाने के लिए

राज्य—गुजरात जिला—भरुच तालुका—वागरा

गांव	ब्लॉक नं.	हे.	आर	सेंटी.
कोलियाद	58	0	00	15
	1/ए	01	18	75
	78	0	14	04
	89	0	13	10
	88	0	14	70
		0	02	00
	212	0	24	05

1	2	3	4	5
	214/बी	0	15	86
	214/बी	0	18	60
	226	0	12	50
	225	0	01	50
	224	0	21	50
	223	0	15	90
	190	0	13	50
	191	0	15	35
	187	0	25	35
	183/बी	0	12	75

[मं ओ-11027/85/89-ओ एन जी डी-III]

S.O. 99.—Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. No. 2508 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification of Right of User in Land Act, 1962 (50 of 1962),

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Dahej-8 To Dahej WHI

State: Gujarat District: Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Koliyad	58	0	00	15
	1/A	01	18	75
	78	0	14	04
	89	0	13	10
	88	0	14	70
	Car track	0	02	00
	212	0	24	05
	214/P	0	15	86
	214/P	0	18	60

1	2	3	4	5
	226	0	12	50
	225	0	01	50
	224	0	21	50
	223	0	15	90
	190	0	13	50
	191	0	15	35
	187	0	25	35
	183/P	0	12	75

[No. O-11027/85/89-ONG. D-III]

का.आ. 100.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2516 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन का हम तारीख को निहित होगा।

अनुसूची

मुलेर मार्ग से जी एन गी प्राई तक पाइप लाइन बिछाने के लिए।

राज्य: गुजरात

जिला: भरुच

तालुका: वापरा

गाँव	ब्लॉक नं.	हेक्टर	घार.	सेंटीयर
1	2	3	4	5
गंधार	159	0	02	52
	160	0	14	89
	161	0	01	88
	160 (ए)	0	14	57
	200	0	15	80
	521	0	05	98
	203	0	04	16
	204	0	04	29
	205	0	08	00
	295	0	15	54
	294	0	08	97
	280	0	07	35

1	2	3	4	5
	293	0	07	80
	302	0	01	73
	292	0	05	23
	282	0	17	23
	245	0	12	42
	248	0	28	67
	249	0	04	17
	231	0	34	64
	230	0	25	93

[सं. ओ.-11027/88/89-ओ एन जी-III]

S.O. 103.—Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. No. 2516 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Muller Road To GNBI.
State: Gujarat, District: Bharuch, Taluka : Vagra

Village	Block No.	Hec- tare	Are	Centiare
1	2	3	4	5
Gandhar	159	0	02	52
	160	0	14	89
	161	0	04	88
	160(A)	0	14	57
	200	0	15	80
	521	0	05	98
	203	0	04	16
	204	0	04	29
	205	0	08	06
	295	0	15	54
	294	0	08	97
	280	0	07	35
	293	0	07	80

1	2	3	4	5
	302	0	01	73
	292	0	05	23
	282	0	17	23
	245	0	12	42
	248	0	28	67
	249	0	04	17
	231	0	34	64
	230	0	25	93

[No. O-11027/88/89-ONG. D-III]

का.आ. 101.—यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2579 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को प्राप्त करने के लिए अधिनियम करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 का उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अधिनियम करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अधिनियमित किया जाता है।

और आगे उप धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्दिष्ट यहाँ है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगी।

अनुसूची

जो.एन.ए.यू. से जो.एन.ए.यू. तक पश्चिम लाईन बिछाने के लिए

राज्य : गुजरात	जिला : वनस	तालुका : जंबुसर		
गाँव	ब्लॉक नं.	हे.	घा.र.	संटीयर
1	2	3	4	5
फारी	2424	0	58	37
	2339	0	19	76
	2338	0	00	20
	2337	0	18	46
	2334	0	14	30
	2335	0	31	46
	2332	0	04	16
	2330	0	33	15
	2314	0	27	56
	2305	0	13	39
	2304	0	13	26
	2011	0	40	43
	2010	0	36	14
	1971	0	08	58
	1999	0	17	55

1	2	3	4	5
	2001	0	01	04
	1995	0	03	51
	1994	0	03	51
	1993	0	05	72

[सं. ओ-11027/89/89-ओ एन जी. डी-III]

S.O. 101.—Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. 2519 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNAU To GNAQ.

State : Gujarat District : Bharuch Taluka : Jam-busar

Village	Block No.	Hec-tare	Are	Centiare
Tankari	2424	0	58	37
	2339	0	19	76
	2338	0	00	20
	2337	0	18	46
	2334	0	14	30
	2335	0	31	46
	2332	0	04	16
	2330	0	33	15
	2314	0	27	56
	2305	0	13	39
	2304	0	13	26
	2011	0	40	43
	2010	0	36	14
	1971	0	08	58
	1999	0	17	55
	2001	0	01	04
	1995	0	03	51
	1994	0	03	51
	1993	0	05	72

का.आ. 102. —यतः पेट्रोलियम और खनिज पाइपलाइन भूमि उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संचालन की अधिसूचना का.आ.सं. 2513 तारीख 7-10-89 द्वारा केन्द्रीय सरकार ने उन अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः महम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में स्थित होने का अर्थात् तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बोकारो टी बिन्दु से जिप्सो तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात

जिला व तालुका : बड़ोदरा

गांव	सर्वे. नं.	हेक्टर	आर.	सेंटीयर
1	2	3	4	5
अकोडिया	कार्ट ट्रैक	0	02	50
	63	0	09	30
	62	0	03	50
	64	0	10	00
	65	0	12	50
	66	0	09	20
	54	0	10	30
	55	0	04	80
	49	0	00	23
	कार्ट ट्रैक	0	05	80
	750	0	12	50
	कार्ट ट्रैक	0	02	55
	754	0	08	25
	753	0	10	25
	755	0	16	50
	756	0	02	55
	764	0	08	90
	763/1	0	02	60
	775	0	08	80
	774	0	14	55
	776	0	01	66
	777/1	0	09	65
	772/2	0	06	25
	778	0	03	08
	कार्ट ट्रैक	0	02	30
	780	0	04	25

1	2	3	4	5	1	2	3	4	5
अकोडिया	कार्ट ट्रैक	0	03	90					
	665	0	04	92		64	0	10	00
	664	0	12	90		65	0	02	50
	662	0	13	10		66	0	09	20
	456	0	12	50		54	0	10	80
	457	0	00	14		55	0	04	80
	458	0	14	20		49	0	00	23
	460	0	18	40		Cart track	0	05	80
	425	0	05	64		750	0	12	50
	462/1	0	12	90		Cart track	0	02	55
	469	0	26	20		754	0	08	25
	473/2	0	11	02		753	0	10	25
	472	0	10	61		755	0	16	50
	486	0	14	70		756	0	02	55
	485	0	05	20		764	0	08	90
	487	5	05	00		763/1	0	02	60
	कार्ट ट्रैक	0	01	70		775	0	08	80
	471/1	0	01	30		774	0	14	55

[सं. ओ.-11027/94/89-ओ एन जी. डी-III]

S.O. 102.--Whereas by notification of the Government of India in the Ministry of petroleum & Natural Gas S.O. No. 2513 dated 7-10-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokari T. Point To GIPCO
State : Gujarat District & Taluka : Vadodara

Village	Survey No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Ankodiya	Cart track	0	02	50
	63	0	09	30
	62	0	03	50

[No. O-11027/94/89-ONG. D-III]

का.प्रा. 103.--यत. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.एन.डी.जे.से.ई.पी.एम. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन लेन तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यत. यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एन.एन.डी.जे.से.ई.पी.एम. में वर्णित भूमि में उपयोग का अधिकार प्रजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सशम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और वेब्रमाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी.एन.डी.जे. से ई.पी.एस. तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागडा		
गांव	ब्लाक नं.	हेक्टर	आर.	सेंटियर
गांधार	322/ग.बी	01	62	88

[सं. ओ-11027/174/89-ओ एन. जी. डी.-III]

S.O. 103.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDJ to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Markarpura Road; Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDJ TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Arc	Centiare
Gandhar	322/A-B	01	62	88

[No. O-11027/174/89-ONG.D-III]

का.प्र. 104 --यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी.एन.डी.जे. से ई.पी.एस. तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारद्व अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सशम प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और वेब्रमाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी.एन.डी.जे. से ई.पी.एस. तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा		
गांव	ब्लॉक नं.	हेक्टर	आर.	सेंटीयर
चांचवेल	284	01	32	04

[सं. ओ.-11027/175/89-ओ एन जी डी-III]

S.O. 104.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDE to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Markarpura Road; Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDE TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Arc	Centiare
Chanchwel	284	01	32	04

[No. O-11027/175/89-ONG. D-III]

का. आ. 105.—यत्न. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन डी एच के इपीएस तंत्र पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत्न. यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयाजन के लिए एनर्वाबल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का आता आणय एनर्वाबल घोषित किया है।

बशर्ते कि उक्त भूमि में हितवन्त कोई व्यक्ति, उन भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट. यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन डी एच से इपीएस तंत्र पाइप लाइन बिछाने के लिए।

राज्य--गुजरात	जिला--भरुच	ताल्लुका--वाग्रा			
गांव	ब्लॉक नं.	हे.	आर.	सेटी.	
गांधार	322/ए-बी	02	18	40	

[सं. ओ-11027/176/89-ओ एन जी. डी.-III]

S.O. 105.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNEH to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquired that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Markarpura Road; Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNEH TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
Gandhar	322/A-B	02	18	40

[No. O-11027/176/89-ONG. D. III]

का. आ. 106.—यत्न. केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन डी एच से इ पी एस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यत्न. यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयाजन के लिए एनर्वाबल अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का आता आणय एनर्वाबल घोषित किया है।

बशर्ते कि उक्त भूमि में हितवन्त कोई व्यक्ति, उन भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट. यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन डी एच से इपीएस तक पाइप लाइन बिछाने के लिए।

राज्य--गुजरात	जिला--भरुच	ताल्लुका--वाग्रा			
गांव	ब्लॉक नं०	हे.	आर.	सेटी.	
गांधार	322/ए-बी	01	98	12	

[सं. ओ-11027/177/89-ओ एन जी. डी.-III]

S.O. 106.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDL to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquired that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Markarpura Road; Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDL TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
Gandhar	322/A-B	01	98	12

[No. O-11027/177/89-ONG. D. -III]

का. आ. 107.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन ई ए (जी आर-7) से इ पी एस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के लिए एनर्वायबल अनुमूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अर्जित पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनर्वायबल घोषित किया है।

अर्थात् कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझ प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन ई. ए. से इ पी एस तक पाईप लाइन बिछाने के लिए।

राज्य--गुजरात	जिला--भरुच	ताल्लुका--वाग्रा			
गांव	ब्लॉक नं.	हे०	आर.	सेंटी.	
गंधार	321	01	28	95	
	322/ए-बी	01	18	56	

[सं. ओ-11027/178/89-ओ एन जी. डी-III]

S.O. 107.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNEE to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquired that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Markarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNEE to EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
Gandhar	321	01	28	95
	322/A-B	01	18	56

[No. O-11027/178/89-ONG. D-III]

का. आ. 108.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन ई ए (जी आर-7) से इ पी एस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एनर्वायबल अनुमूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अर्जित पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एनर्वायबल घोषित किया है।

अर्थात् कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझ प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन ई. ए. (जी आर-7) से इ पी एस तक पाईप लाइन बिछाने के लिए

राज्य--गुजरात	जिला--भरुच	ताल्लुका--वाग्रा			
गांव	ब्लॉक नं.	हे०	आर.	सेंटी.	
गंधार	322/ए-बी	01	49	50	

[सं. ओ-11027/179/89-ओ एन जी. डी-III]

S.O. 108.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDU (GR7) to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquired that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Markarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDU (GR-7) to EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
Gandhar	322/A-B	01	49	50

[No. O-11027/179/89-ONG. D-III]

का. आ. 109.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन डी इ से इपीएस तक पेट्रोलियम के परिवहन के लिये पाइपलाइन लेन तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाचक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 3 की उपधारा द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नोचे पाइप लाइन बिछाने के लिए आक्षेप मसम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मृतवाई व्यक्तिगत रूप से हो या किमी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन डी इ से इपीएस तक पाइप लाइन बिछाने के लिए।

राज्य-गुजरात	जिला-भरुच	ताल्लुका-वागरा	गांव	ब्लॉक नं.	हे.	आर.	सेंटी.
			गंधार	322/ए-बी	01	91	09

[सं. ओ-11027/180/89-ओ एन जी. डी-III]

S.O. 109.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDE to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDE to EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Gandhar	322/A-B	01	91	09

[No. O-11027/180/89-ONG. D-III]

का. आ. 110.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन डी आर (जी आर 1) से एपीएस तक पेट्रोलियम के परिवहन के लिए पाइप लाइन लेन तथा प्राकृतिक गैस प्रायोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाचक अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आग्रह एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नोचे पाइप लाइन बिछाने के लिए आक्षेप मसम प्राधिकारी, तेल तथा प्राकृतिक गैस प्रायोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बडौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी मृतवाई व्यक्तिगत रूप से हो या किमी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन डी आर (जी आर 4) से इपीएस तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	ताल्लुका : वागरा	गांव	ब्लॉक नं.	हेक्टर	आर	सेन्टीयर
			चांचवेल	285	0	62	40

[सं. ओ-11027/181/89-ओ एन जी डी-III]

S.O. 110.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDR (GR-4) to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDR (GR-4) to EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Chanchwel	285	0	62	40

[No. O-11027/181/89-ONG. D-III]

का भा 111.—यसः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन डी आर (जी धार 4) से इपीएस तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोजन द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदबाध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणव्य एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोजन, निर्माण और देखभाल प्रभाग, मकरपुर रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन डी आर (जी धार 4) से इपीएस तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : अमोद

गांव	ब्लॉक नं.	है.	आर.	सेन्टी
देनवा	459	0	88	40

[सं. ओ. 1]-1027/182/89-ओ.एन.जी.डी-III

S.O. 111.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDR (GR-4) to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Mokarpura Road; Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDR (GR-4) to EPS

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hec-tare	Are	Centiare
Denwa	459	0	88	40

[No. O-11027/182/89-ONG. D-III]

का.आ. 112.—यसः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन डी आर (जी धार-4) से ईपीएस तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोजन द्वारा बिछाई जानी चाहिए।

और यसः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदबाध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणव्य एतद्वारा घोषित किया है।

वर्तते कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोजन, निर्माण और देखभाल प्रभाग, मकरपुर रोड, बड़ोदा-9, को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन डी आर (जी धार-4) से इपीएस तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	है.	आर.	सेन्टी
गंधार	322/ए-बी	01	11	80

[सं. ओ-11027/183/89-ओ.एन.जी.डी-III]

S.O. 112.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDR (GR-4) to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Mokarpura Road; Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDR (GR-4) to EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Gandhar	322/A-B	01	11	80

[No. O-11027/183/89-ONG. D-III]

का.आ. 113.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी एन ई डी (जी आर. 16) से एपी एम तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोजन द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाव्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मञ्जम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन ई डी (जी आर-16) से एपी एम तक पाइप लाइनें बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा
गांव	ब्लॉक नं.	है. आर. सेंटी.
संधार	321	01 89 28
	322/ए-बी	01 14 40

[सं. ओ-11027/184/89-ओ एन जी. डी-III]

S.O. 113.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNED (GR-16) to EPS in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Mokarpura Road, Vadodra-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNED (GR-16) To EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Centiare
Gandhar	321	01	89	28
	322/A-B	01	14	40

[No. O-11027/184/89-ONG, D.III]

का.आ. 114.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में पम्बाजन-1 से डब्ल्यू एच आई तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोजन द्वारा बिछाई जाना चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाव्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितवद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप मञ्जम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसका मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

पम्बाजन-1 से डब्ल्यू एच आर दहेज तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा
गांव	ब्लॉक नं.	है. आर. सेंटी
कलादरा	432	0 21 65
	422	0 07 20
	421	0 07 20
	416	0 25 74
	459	0 05 14
	465	0 12 32
	464	0 05 15
	463	0 07 30
	468	0 03 08
	482	5 05 92
	524	0 15 45
	523	0 10 30
	521	5 07 20
	557	0 04 12
	666	0 15 44
	660	0 05 15
	661	0 15 44
	665	0 07 20
	658	0 07 00
	656	0 13 40
	715	0 07 20
	714	0 05 20
	716	0 06 20
	717	0 04 12
	718	0 06 20
	719	0 08 25
	720	0 08 40
	721	0 03 10

[सं. ओ-11027/185/89-ओ एन जी. डी-III]

S.O. 114.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Pakhajan-1 to WHI-Dahej in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from Pakhajan-1 to WHI Dahej.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
1	2	3	4	5
Kaladra	432	0	22	65
	422	0	07	20
	421	0	07	20
	416	0	25	74
	459	0	05	14
	465	0	12	32
	464	0	05	15
	463	0	07	30
	468	0	03	08
	482	0	05	92
	524	0	15	45
	523	0	10	30
	521	0	07	20
	557	0	04	12
	666	0	15	44
	660	0	05	15
	661	0	15	44
	665	0	07	20
	658	0	07	00
	656	0	13	40
	715	0	07	20
	714	0	05	20
	716	0	06	20
	717	0	04	12
	718	0	06	20
	719	0	08	25
	720	0	08	40
	721	0	03	10

का. प्रा. 115.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जो एन डी एल से इपी एस तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तैयार तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वाक्य अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उनमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद् द्वारा घोषित किया है।

बतते कि उक्त भूमि में निम्नलिखित कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए, आशय सक्षम प्राधिकारी, नैथ तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुतवाही व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जो एन डी एल से इपी एस तक पाइप लाइन बिछाने के लिए राज्य : गुजरात जिला : भरुच तालुका : वाग्रा

गांव	ब्लाक नं.	है.	आर	सेन्टी
चान्चवेल	284	0	45	76

[सं. ओ-11027/186/89-ओ एन. जी. डी-III]

S.O. 115.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GNDL to EPS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GNDL TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cen-tiare
Chanchwel	284	0	45	76

का.आ. 116.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लांकूटित में यह आवश्यक है कि गुजरात राज्य में जी एन बी डी में जी एन बी आई तक पेट्रोलियम के परिवहन के लिए पाइप लाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी ज़मीनों को बिछाने के लिए एतदुपाय अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) में की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

अतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आशेष मध्यम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदरा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आशेष करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या वह चाहता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

जी एन बी डी से जी एन बी आई तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : वाग्रा

गांव	ब्लॉक नं.	हे.	घोर.	सेन्टी.
पनीयादरा	681	0	37	05

[स. ओ-11027/187/89-ओ एन जी.डी-III]

S.O. 116.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GMBD to GNBI in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Mokarpura Road; Vadodara-390009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or legal practitioner.

SCHEDULE

Pipeline from GNBD TO GNBI

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Paniyadara	681	0	37	05

[No. O-11027/187/89-ONG. D-III]

का.आ. 117.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि के उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 2133 तारीख 9-9-89 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग, में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

चोफारी 'डी' बिन्दु से जिल्को तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : बड़ोदरा तालुका : पादरा

गांव	सर्वे नं.	हे.	घोर.	सेन्टी.
नरसीपुरा	187/1	0	14	05
	236	0	08	60
	235/1	0	23	65
	231	0	05	25
	230	0	05	85
	249	0	14	55
	250	0	16	30
	काटे ट्रेक	0	00	60
	260	0	00	61
	261	0	07	58
	262	0	09	70
	267	0	19	40

[सं. ओ-11027/68/89-ओ एन जी.डी-III]

के. विवेकानन्द, डैस्क अधिकारी

S.O. 117.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 2133 dated 9-9-89 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right to user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further, in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Chokhari T'. Point To GIPCO
State : Gujarat District : Vadodara Taluka : Padra

Village	Survey No.	Hec-tare	Are	Centiare
Narshipura	187/1	0	14	05
	236	0	08	60
	235/1	0	23	65
	231	0	05	25
	230	0	05	85
	249	0	14	55
	250	0	16	30
	Cart track	0	00	60
	260	0	00	61
	261	0	07	58
	262	0	09	70
	267	0	19	40

[No. O-11027/68/89-ONG. D-III]

K. VIVEKANAND, Desk Officer

खाद्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 19 दिसम्बर, 1989

क्र.आ. 118 :—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), दिनांक 1986-04-19 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय नागरिक पूर्ति विभाग (भारतीय मानक ब्यूरो) की अधिसूचना संख्या क्र.आ. 1560 दिनांक 1986-03-21 का आंशिक संशोधन करते हुए भारतीय मानक ब्यूरो एवम् द्वारा अधिसूचित करती है कि सोडियम बाईक्रोमेट तकनीकी का प्रति इकाई मुहरांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मुहरांकन फीस को संशोधित दर 1989-03-01 से लागू होती :

अनुसूची

क्रम सं० उत्पाद/उत्पाद श्रेणी में	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस
(1)	(2)	(3)	(4)
1 सोडियम बाईक्रोमेट तकनीकी	IS : 249-1949	एक टन	रु. 10.00

[सं० सो एम डी 13 : 10]

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 19th December, 1989

S.O. 118 :—In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies, Bureau of Indian Standards) notification Number S.O. 1560 dated 1986-03-21 published in the Gazette of India, part-II, Section-3, Sub-section (ii) dated 1986-04-19 the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for sodium bichromate, technical details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-03-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Sodium bichromate, technical	IS:249-1979	One Tonne	Rs. 10.00

[No. CMD/13:10]

का.प्रा. 119 :—भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1984-09-22 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक व्यूरी) की अधिसूचना संख्या का० प्रा० 2988 दिनांक 1984-08-28 का आंशिक संशोधन करते हुए भारतीय मानक व्यूरों एवम् द्वारा अधिसूचित करता है कि हथकरघे की सूती लुगिया की प्रति इकाई मूह्रांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मूह्रांकन फीस की संशोधित दर 1989-04-01 से लागू होगी :

अनुसूची

क्रम सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मूह्रांकन फीस
(1)	(2)	(3)	(4)	(5)
1.	हथकरघे की सूती लुगिया	IS : 750-1976	एक वर्ग मीटर	एक पैसा

[सं० सो एम सी / 13 : 10]

S.O. 119:—In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies) (Bureau of Indian Standards) notification Number S.O. 2988 dated 1984-08-28 published in the Gazette of India, Part-II, Section-3 Sub-section (ii) dated 1984-09-22 the Bureau of Indian Standards, hereby, notifies that the marking fee per unit for handloom cotton lungies details of which are given in the Schedule here to annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-04-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Handloom cotton lungies	IS:750-1976	1 Square metre	One Paise

[No. CMD/13: 10]

का.प्रा. 120:— भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2), दिनांक 1984-08-01 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक व्यूरों) की अधिसूचना संख्या का० प्रा० 2576 दिनांक 1984-07-11 का आंशिक संशोधन करते हुए भारतीय मानक व्यूरों एवम् द्वारा अधिसूचित करता है कि विभिन्न उत्पादों की प्रति इकाई मूह्रांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है, संशोधित कर दी गई है। मूह्रांकन फीस की संशोधित दर 1989-07-01 से लागू होगी :

अनुसूची				
क्रम सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मूल्यांकन फ़ीस
(1)	(2)	(3)	(4)	(5)
1.	नये विद्युत रोधी तेल	IS : 335-1983	1 कि. लि.	रु. 3.00
2.	विद्युत तार स्थापन के लिए वृद्ध दम्पात की तार नालियाँ	IS : 1653-1972	1 कि.मी.	(i) रु. 10.00 प्रति इकाई पहला 1000 इकाइयों के लिए, (ii) रु. 5.00 प्रति इकाई 1001वीं इकाईयों और उससे अधिक के लिए ।

[संख्या सं एम डा / 13:10]

S.O. 120:—In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies) (Bureau of Indian Standards) notification Number S.O. 2576 dated 1984-07-11 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1984-08-11 the Bureau of Indian Standards, hereby notifies that the marking fees per unit for various products details of which are given in the Schedule hereto annexed have been revised. The revised rates of marking fees shall come into force with effect from 1989-07-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(2)	(4)	(5)
1.	New insulating oils	IS : 335-1983	1 Kilolitre	Rs. 3.00
2.	Rigid steel conditions for electrical wiring	IS : 1653 1972	1 Km.	(i) Rs. 10.00 per unit for the first 1000 units and (ii) Rs. 5.30 per unit for the 1001st unit and above.

[No. CMD/13:10]

का.प्र. 121 :— भारत के राजपत्र, भाग 2, खंड 3, उखंड (ii), दिनांक 1984-09-22 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय या नागरिक पूर्ति विभाग (भारतीय मानक ब्यूरो) की अधिसूचना संख्या का. प्र. 2986 दिनांक 1984-08-28 का आंशिक संशोधन करने हुए भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि खनिज भरे खोलदार तापन एलीमेंट का प्रति इकाई मूल्यांकन फ़ीस, जिसका विवरण नीचे अनुसूचा में दिया गया है, संशोधित कर दी गई है । मूल्यांकन फ़ीस की संशोधित दर 1989-08-01 से लागू होगी :

अनुसूची

क्रम सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मूल्यांकन फ़ीस
(1)	(2)	(3)	(4)	(5)
1.	खनिज भरे खोलदार तापन एलीमेंट	IS : 4159-1983	एक नमूना	50 पैसे

[सं. सी एम डा/13:10]

S.O. 121:—In partial modification of the Ministry of Food & Civil Supplies (Deptt. of Civil Supplies) (Bureau of Indian Standards) notification Number S.O. 2986 dated 1984-09-28 published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1984-09-22 the Bureau of Indian Standards, hereby notifies

that the Marking fee per unit for mineral filled sheathed heating elements details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from 1989-08-01:

SCHEDULE

Sl. No.	Product/Class of Product	No. & Year of the Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Mineral filled sheathed heating elements	IS:4159-1983	One piece	50 Paise

[No. CMD/13:10]

का.प्र. 122:— भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), दिनांक 1983-11-19 में प्रकाशित खाद्य एवं नागरिक पूर्ति मंत्रालय, नागरिक पूर्ति विभाग (भारतीय मानक ब्यूरो) की अधिसूचना संख्या कां० प्रा० 4199 दिनांक 1983-10-26 का आंशिक संशोधन करने हुए भारतीय मानक ब्यूरो एनद्वारा अधिसूचित करता है कि विभिन्न उत्पादों की प्रति इकाई मुहरांकन फीस, जिसका विवरण नीचे अनुसूची में दिया गया है संशोधित कर दी गई है। मुहरांकन फीस की संशोधित दर अनुसूची में प्रत्येक भारतीय मानक के सामने दी गई तिथियों से लागू होगी :

अनुसूची

क्रम सं.	उत्पाद/उत्पाद श्रेणी	संबद्ध भारतीय मानक की संख्या और वर्ष	इकाई	प्रति इकाई मुहरांकन फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	परिशोधित स्पिरिट	IS :323-1999	100 लिटर	50 पैसे	1989 04 01
2.	अमकदार सोडियम मेटाफॉस्फेट	IS :574-1980	एक टन	रु. 10.00	1989 03 01
3.	मेज-शल्यक्रिया, द्रव चालित, बड़ी	IS :5291-1969	1 मेज	रु. 50.00	1989 05 01
4.	मेज-शल्यक्रिया, द्रव चालित, छोटी	IS :6106-1971	1 मेज	रु. 50.00	1989 05 01

[संख्या सीएमडी 13:10]

एम. सुब्रह्मण्यन, अपर महानिदेशक

S.O. 122: —In partial modification of the Ministry of Food and Civil Supplies (Deptt. of Civil Supplies) (Bureau of Indian Standards) notification Number S.O. 4199 dated 1983-10-26 published in the Gazette of India, Part-II, Section 3, Sub.Section (ii) dated 1983-11-19 the Bureau of Indian Standards, hereby notifies that the marking fee per unit for various products details of which are given in the Schedule hereto annexed, has been revised. The revised rate of marking fee shall come into force with effect from the dates shown against each :

SCHEDULE

Sl. No.	Product/Class of Product	No. & year of the Relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Rectified spirit	IS:323-1959	100 Litres	50 Paise	1989 04 01
2.	Glossy sodium metaphosphate	IS:574-1980	One tonne	Rs. 10.00	1989 03 01
3.	Table, operation, hydraulic, major	IS:5291-1969	One Table	Rs. 50.00	1989 05 01
4.	Table, operation, hydraulic, minor	IS:6106-1971	One Table	Rs. 50.00	1989 05 01

[No. CMD/13:10]

S. SUBRAHMANYAN, Addl. Dir. General.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 15 दिसम्बर, 1989

का. आ. 123.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के प्रयोग के लिए) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में स्वास्थ्य और परिवार कल्याण मंत्रालय के नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :-

1. भारतीय उपचर्या परिषद्, नई दिल्ली।
2. केन्द्रीय यूनानी चिकित्सा अनुसंधान परिषद्, नई दिल्ली।

[सं. ई. 11012/8/88-रा. भा. का.]

पी.के. मेहरोत्रा, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 15th December, 1989

S.O. 123.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Health and Family Welfare, 80 percent staff whereof have acquired working knowledge of Hindi :-

1. Indian Nursing Council, New Delhi.
2. Central Council for Research in Union, Medicine, New Delhi.

[No. E. 11012/8/88-OLI]

P. K. MEHROTRA, Jt. Secy.

इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय

नई दिल्ली, 26 दिसम्बर, 1989

का. आ. 124.—प्रबंध बोर्ड, इ. गां. रा. मु. वि. अधिनियम, 1985 (1985 का 50वां) की धारा 25 (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कुलाध्यक्ष की अनुमति से निम्नलिखित परिनियम 25 बनाना है, जिसे पूर्वोक्त अधिनियम की दूसरी अनुसूची में शामिल किया जाना है।

25. वार्षिक रिपोर्ट प्रस्तुत करने की तारीख

अधिनियम की धारा 28 के अनुसार वित्तीय वर्ष के लिए तैयार की विश्वविद्यालय की वार्षिक रिपोर्टें अगामी 31 दिसम्बर से पहले कुलाध्यक्ष को प्रस्तुत की जाएगी।

[सं. ए.ई. (जी)/एसटी (25)/89]

के. नारायणन, कुलसचिव

INDIRA GANDHI NATIONAL OPEN UNIVERSITY

New Delhi, the 26th December, 1989

S.O. 124.—In exercise of the powers conferred by Section 25(2) of the IGNOU Act, 1985 (No. 50 of 1985), the Board of Management makes the following Statute 25 with the assent of the Visitor, to be included in the 2nd Schedule of the Act *ibid*.

25. Date of Submission of Annual Report

The Annual Report of the University for a financial year prepared in accordance with the Section 28 of the Act shall be submitted to the Visitor before December 31, following.

[No. AD(G)/St.(25)/89]

K. NARYANAN, Registrar

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 27 दिसम्बर, 1989

का. आ. 125.—केन्द्रीय सरकार राजभाषा (संघ के सरकारी प्रयोजनों के लिए प्रयोग (नियम, 1976 के नियम 10 के उप-नियम

(4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित विद्यालयों/कार्यालयों को जिनमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है अधिसूचित करता है :-

1. केन्द्रीय विद्यालय, रेंजहिल्स एस्टेट, खार्के, पुणे
2. केन्द्रीय विद्यालय, वेह रोड, (महाराष्ट्र)
3. केन्द्रीय विद्यालय, साम्बा (जम्मू व काश्मीर)
4. केन्द्रीय विद्यालय, मुलापुर, गरीबवास, चण्डीगढ़
5. केन्द्रीय विद्यालय, वायुसेना, ब्रोमर, नासिक-422221
6. केन्द्रीय विद्यालय नं. 3, वायुसेना, भटिण्डा (पंजाब)
7. केन्द्रीय विद्यालय, पुलगांव कैम्प, जिला-वर्धा

[सं. ई.-11011/21/89-रा. भा. ए.]

मदन मोहन दरगन, सहायक निदेशक (राजभाषा)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 27th December, 1989

S.O. 125.—In pursuance of Sub-Rule (4) of the Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Vidyalayas/Offices of the Department of Education in the Ministry of Human Resource Development, where more than 80 per cent staff has acquired working knowledge of Hindi :-

1. Kendriya Vidyalaya, Range Hills Estate, Kharkee (Pune)
2. Kendriya Vidyalaya, Dehuroad (Maharashtra)
3. Kendriya Vidyalaya, Samba. (J&K)
4. Kendriya Vidyalaya, Mulanpur, Garibdas, (Chandigarh)
5. Kendriya Vidyalaya, Air Force, Ohar (Nasik) 422221
6. Kendriya Vidyalaya, No. 3, Air Force, Bhatinda (Punjab)
7. Kendriya Vidyalaya, Pulgaon Camp, Distt. Wardha.

[No. E. 11011/21/89-OLU]

MADAN MOHAN DARGAN, Asstt. Director (OL)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 26 दिसम्बर, 1989

का. आ. 126.—भारतीय रेल अधिनियम, 1890 (1890 का 9) की धारा 47 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा रेल यात्री (टिकटों

का रद्दकरण और किरायों की वापसी) नियम, 1986 में संशोधन करने के लिए निम्नलिखित नियम बनाती है:—

1. (1) ये नियम रेल यात्री टिकटों का रद्दकरण और किरायों की वापसी) संशोधन नियम, 1989 कहलायेंगे।
- (2) ये 15 अक्टूबर, 1990 से प्रभावी होंगे।
2. रेल यात्री (टिकटों का रद्दकरण और किरायों की वापसी) नियम, 1986 के नियम 19 के उप-नियम (क) में:—

- (1) "शब्दों" "असबाब की प्रत्येक सामग्री पर 1/- रु. लिपिकीय प्रभावी" के लिए, "रद्दकरण शुल्क 5/- रु. प्रति सामान टिकट" प्रतिस्थापित किया जाए।

[सं. टी.सी. II/2003/85/राइड्स]

ए.एन. शुक्ला, सचिव, रेलवे बोर्ड।

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 26th December, 1989

S.O. 126.—In exercise of the powers conferred by clause (bb) of sub-section (1) of section 47 of the Indian Railways Act, 1900 (9 of 1890), the Central Government hereby makes the following rules to amend the Railway Passengers (Cancellation of Tickets and Refund of Fares) Rules, 1986, namely:—

1. (1) These rules may be called the Railway Passengers (Cancellation of Tickets and Refund of Fares) Amendment Rules, 1989.

(2) They shall come into force on the 15th day of January, 1990.

2. In sub-rule (a) of rule 19 of the Railway Passengers (Cancellation of Tickets and Refund of Fares) Rules, 1986—

- (1) for the words "clerical charges of rupee one per article of baggage", the words "cancellation charge of Rupees five per luggage ticket" shall be substituted.

[No. TCII/2003/85/RITES]

A. N. SHUKLA, Secy., Railway Board

धम संशोधन

नई दिल्ली, 19 दिसम्बर, 1989

क्र. प्रा. 127:—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अंतर्गत् में, केन्द्रीय सरकार व सैमर्ज एम्.ई.सी. लिम. के प्रबन्धन में संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-89 प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 19th December, 1989

S.O. 127.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sohagpur Area of M/s. S.E.C. Ltd. and their workmen, which was received by the Central Government on 14-12-89.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (162) of 1987

PARTIES:

Employers in relation to the management of Sohagpur Area of S.F.C. Ltd, P.O. Dhanpuri, District Shahdol (MP) and their workman Shri Ram Krishna Pandey, represented through the General Secretary, MP.K.M.S., P.O. Dhanpur, District Shahdol (MP)

and subsequently by R.K.K.M.S. (INTUC) Dhanpuri, District Shahdol (M.P.)

APPEARANCES.

For Workman—Shri D. L. Agarwal and workman himself.

For Management—Shri R. Menon, Advocate.

INDUSTRY : Coal Mine. DISTRICT : Shahdol (M.P.)

AWARD

Dated: December 1st, 1989

The Central Government, Ministry of Labour, by its Notification No. L-21012/3/87-D.III(B) dated 24-8-1987, referred the following dispute to this Tribunal, for adjudication:—

"Whether the dismissal from services of Shri Ram Krishna Pandey by the Dy. Chief Mining Engineer, Dhanpuri OCM and AMLAI Groups vide Office Order No. WCL/SAM/D/85/86/4042 dated 8-9-1985 is justified? If not, what relief is the workman entitled to?"

2. In this case parties have filed their respective statement of claim. The case of the workman was that he was a permanent employee of S. E. C. Limited posted at Amlai Colliery as a General Mazdoor. He was issued with a charge-sheet on 9-8-1983 for certain alleged misconduct. The workman categorically denied the charges levelled against him. The management held a domestic enquiry. Thereafter the management vide their letter No. WCL/SAM/D/85/86/4042, dated 8-9-1985 dismissed the workman from service.

3. The workman before this Court challenged the domestic enquiry and the dismissal order dated 8-9-1985. My predecessor framed as many as five issues including the preliminary issues raised on behalf of the workman. The case was fixed for evidence and arguments on preliminary issues. Since the parties stated that they do not want to adduce any oral evidence on preliminary issues arguments on preliminary issues were heard and the case was closed for orders.

4. On 17-4-1989, Counsel for management, filed an application along with a settlement. Workman concerned also sent an application by post intimating that he has changed the Union and joined the R.K.K.M.S. (INTUC) Sohagpur and as such the INTUC Union will represent his case. On 30-11-1989 workman concerned appeared in person and verified the settlement dated 8-4-1989 duly signed by Ramkrishna Pandey, workman, and Moti Lal Pal, President R.K.K.M.S. (INTUC) Sohagpur Area and Shri M. P. Verma, Dy. Chief Personnel Manager, Sohagpur Area, P.O. Dhanpuri, District Shahdol. Shri R. Menon, Advocate, also verified the settlement on behalf of the management. The terms of duly incorporated in the settlement dated 8-4-1989 are as under:—

1. That Shri Ramkrishna Pandey will be taken as a new entrant on initial basic salary of General Mazdoor in Cat. I.
2. That he will be posted to any other unit of Sohagpur Area except Amlai Colliery.
3. That the period from the date of dismissal to the date of re-employment will be treated as "Dies non".
4. That he will have no claim what-so-ever for unemployed period.
5. That he should report for his duties to the Chief General Manager, Sohagpur Area for further posting within 10 day's time

5. I have gone through the above terms of settlement and am of the opinion that they are just and lawful. I therefore give my award in terms of the settlement arrived at between the parties and make no order as to costs.

V. N. SHUKLA, Presiding Officer.
[No. L-21012(3)/87-D. III. B/IR(C-II)]

नई दिल्ली, 20 दिसम्बर, 1989

का.ग्रा. 128:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व मेसर्स ईस्टर्न कोलफील्ड्स लिम. की निम्न कोलियरी के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-1989 को प्राप्त हुआ था।

New Delhi, the 20th December, 1989

S.O. 128.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ningha Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 19-12-1989.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 45 of 1984

PARTIES :

Employers in relation to the management of Ningha Colliery, ECL P.O. Kalipahari, Distt. Burdwan.

AND

Their workmen.

PRESENT :

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of employer—Mr. B. N. Lala, Advocate.

On behalf of workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(102)/82-D.IV(B) dated 13-9-1984, the Government of India, Ministry of Labour & Rehabilitation (Department of Labour) referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Agent, Ningha Colliery, FCL, P.O. Kalipahari, Distt. Burdwan in West Bengal, in not designating Shri Butilal as Belt Supervisor and not paying him supervisory grade 'C' with retrospective effect i.e. from the date of his appointment is justified? If not, to what relief the workman concerned entitled and from which date?"

2. When the case is called out today Mr. B. N. Lala, Advocate appears for the management but nobody appears for the Union. A petition has however been received from the Union stating therein that the Union is not interested to proceed with the present reference and the Union prays for a "No Dispute Award". Mr. Lala appearing for the management has no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Lala appearing for the management, I find that this Tribunal has no other alternative

but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Dated, Calcutta,

The 13th December, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(102)/82-D.IV(B)/IR(CJU)]

का. ग्रा. 129:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय खाद्य निगम के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-89 को प्राप्त हुआ था।

S.O. 129.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 19-12-89.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 19/86

PARTIES :

Employers in relation to the management of Food Corporation of India.

AND

Their workmen.

For the workmen—None.

For the management—Shri R. R. Palta.

INDUSTRY : FCI.

STATE : J&K

AWARD

Dated : 29-11-1989

On a dispute raised by workmen of Food Corporation of India Central Government had vide No. L-42011(7)/85-D.D.V. dated the 17th January, 1986 referred the following dispute to this Tribunal for adjudication :

"Whether the refusal by the management of Food Corporation of India to pay overtime wages to its employees not covered by the Shops and Establishments Act at a rate more than the ordinary rate of wages for working more than 39 hours a week is just and legal? If not, to what relief are the workmen entitled?"

2. Case of the workman as set out in the claim statement is that Regional Manager Food Corporation of India J&K Région has been denying payment of overtime allowance to employees posted in the offices on the plea that offices of FCI are not covered by J&K Shops and Establishments Act because of instructions contained in Circular No. 124/1982 issued by the Head Quarters of Food Corporation of India Delhi. It is mentioned that employees posted in depots/mandies/rail heads are being paid overtime at double the rates of wages as required under J&K Shops and Establishments Act but not employees posted in the offices. It is contended that J&K Shops and Establishments Act does not discriminate between employees posted in offices and depots/mandis/rail heads etc. In nut-shell claim of the petitioner is that while employees posted in officers and de-

pots outside municipal limits are not paid for their extra work in accordance with instructions contained in circular No. 6-1/74-EP dated 10-6-74 at the rate ranging from Re. 0.93 to 3.45 per hour the employees posted at depots/mandis/rail heads situated within municipal limits are being paid overtime wages at double the rate of overtime. It is mentioned that Food Corporation of India is paying overtime wages at double rate to employees posted in offices in Manarashtra on the basis of an Award to its employees posted in district offices Naraina but it is discriminating in denying the same to the present petitioners. The workmen seeks overtime wages at double the rate with effect from 1-12-1982.

3. In reply the management took preliminary objection questioning the competency of this Tribunal to adjudicate the matter relating to the violation of provisions of J&K Shops and Establishment Act. On merits it is pleaded that FCI in exercise of powers conferred by Section 45 of FCI Act, 1964 and in consultation of Central Government decided not to bring the staff of its related offices including district offices within the purview of states Shops and Establishment Act and issue circular No. 124 of 14-12-1982 in this respect. The management also denied claim of the workmen as regards their entitlement of overtime allowance for the intervening period of 6-1/2 hours per day to 8 hours in a day beyond which payment at double the rate is to be made in accordance with the provisions of J&K Shops and Establishment Act.

4. Parties were allowed opportunity to lead evidence. Ravi Kumar one of the petitioner posted in district office Jammu filed affidavit Ex. W1 to the effect that management had been discriminating in the payment of over time wages to the office staff. In rebuttal management filed affidavit Ex. M1 of Shri K. K. Uppal Assistant FCI Jammu to the effect that management pays overtime allowance at double the rate of wages beyond 48 hours in a week to staff posted in storage and depots.

5. During the trial of the reference workmen absented and did not take further part in the proceedings. Perusal of the Circular No. 124 dated 14-12-1982 shows that the management through the said circular had decided that provisions of Shops and Establishment Act in respect of overtime allowance will be applicable only to the staff working in ports, godowns and depots falling within the local areas to which the Act has been extended and no overtime will be payable for a period of work less than 48 hours a week. It was however ordered that provisions relating to overtime as per Shops and Commercial Establishment Act will not be applicable to the staff working in headquarters zonal offices, Regional offices, District offices and other administrative offices of the Corporation as well as staff working in depots, godowns and ports located in area where the shops and Commercial Establishment Act of the State has not been extended. The workmen seeks overtime allowance at double the rate on the basis of provisions of J&K Shops and Commercial Establishment Act. The workmen has failed to quote any provisions of the said legislative measure if the offices fall within the definition of establishment so as to entitle them to payment of double the rate for working beyond 48 hours in a week. It was for the workmen to show if they are entitled to relief under special law. For the reasons best known to them they absented from the proceedings. There is no material on the file to substantiate their claim, of entitlement of wages at double the rate for working more than 39 hours a week.

6. The reference is returned with the findings that refusal by the management of FCI to pay overtime wages to its employees not covered by the Shops and Establishment Act at a rate more than the ordinary rate of wages for working more than 39 hours is just and legal and petitioners are not entitled to any relief.

Chandigarh.

29-11-1989.

M. S. NAGRA, Presiding Officer
[No. L-42011(7)/85-D.V/IR(C-II)]

नई दिल्ली, 26 दिसम्बर, 1989

का.प्र. 130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार व सिंगरानी कार्लियरीज कं. लि., बेल्लम्पल्ली के प्रबन्धतांत्र से संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-89 को प्राप्त हुआ था।

New Delhi, the 26th December, 1989

S.O. 130.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd., Bellampalli and their workmen, which was received by the Central Government on 20-12-1989.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri C. Rami Reddy, B.Sc., B.L., Industrial Tribunal.

Dated : 20th day of November, 1989

INDUSTRIAL DISPUTE NO. 13 OF 1987

BETWEEN

The Workmen of S.C. Co. Ltd., Bellampalli,
Adilabad District.

AND

The Management of S.C. Co. Ltd., Bellampalli,
Adilabad District.

APPEARANCES :

Sarvasri M. Panduranga Rao, B. G. Ravindra Reddy, Advocates for the Workmen.

M/s. K. S. Srinivasa Murthy and G. Sudha, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-21012/14/85-D.III(B) dated 20-4-1978 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the management of Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication.

"Whether the action of the management of Singareni Collieries Co. Ltd., Bellampalli, in dismissing Sri K. Mallesh, Driver from services with effect from 12-9-1982 is justified? If not, to what relief the workman is entitled."

This reference was registered as Industrial Dispute No. 13 of 1987 and notices were issued to the parties.

2. The workman Sri K. Mallesh filed a claim statement stating as follows.—The workman was appointed as General Mazdoor in the year 1974. He was promoted as Driver in the year 1979. He was issued with the charge sheet d. 29-8-1981 alleging as follows:

“On 27-6-1981 you were on duty in second shift on the lorry No. API 1884 to transport ash from the Power House to Somagundam No. 1 Incline. At about 10.40 P.M. you were caught by the staff of SPC Department, Bellampalli near Z. P. School by the side of Bus Stand, Bellampalli while you were taking out diesel oil from the above lorry in a plastic containing and immediately afterwards it was observed that you have taken about 40 Ltrs. of diesel oil by the time you were caught. You have thus stolen Company's property, which act amounts to serious misconduct under 16(2) of the Company's Standing Orders.”

3. The charge sheet was issued by the Deputy Controller of Stores, Ballampally. He has no power to issue the charge sheet. The workman submitted his explanation dated 13-9-1981 denying the charges. Thereafter the enquiry was ordered. The person who ordered the enquiry is not competent to order the enquiry. The workman was not given proper opportunity to defend himself in the course of enquiry. He was not given a copy of the complaint given by Sri Vasudev Rao, Jamadar, who was not on good terms with him. The Management examined Vasudeva Rao, Jamadar, one Shaik Mahboob during the enquiry. There are material contradiction in the evidence of the said two management witnesses. One Sri Narayan Reddy was the driver of the lorry in the first shift on 27-8-1981. The said Narayan Reddy did not know the quantity of the diesel oil in the lorry. The said Narayana Reddy has not given the charge of lorry to the workman who reported for duty for the second shift on that day i.e. 27-8-1981. The workman was the Driver for the Lorry in the second shift on that day and he took the lorry and brought back the lorry. Another Driver took the said lorry for the third shift on that day and on the next day in the first shift one Driver by name Mathew took the lorry. The allegation against the workman was created on the next day. It is submitted that diesel was not taken out by the workman from the lorry and that the workman was not given any account of the diesel that was in the lorry. It is surprising that the Management had chosen to make the allegations against the workman after the lorry was driven by four drivers. The clean past record of the workman was also not considered at the time of imposing the punishment. Further it is submitted that the punishment of dismissal is not at all justified in the circumstances of the case. The management filed an application in M.P. No. 145/85 in I.D. No. 1/82 under Section 33(2)(b) of the I.D.

Act before this Tribunal. As the jurisdiction of the Tribunal was very limited under the proceedings of Section 33(2)(b) of the I.D. Act this Tribunal granted approval in MP No. 145/85 in I.D. No. 1/82. The matter could not be gone into in detail by this Tribunal in the above M.P. No. 145/85. The workman was drawing an amount of Rs. 1,200.00 at the time of dismissal. He has been out of employment since dismissal from service. It is therefore prayed that this Hon'ble Tribunal may be pleased to direct the Respondent to reinstate the workman in service with full back wages and other benefits in the interest of justice.

4. The Management filed a counter contending as follows:—It is not correct to say that the Deputy Controller of Stores has no power to issue charge sheet, that the person who ordered the enquiry is not competent to order an enquiry and that the enquiry is violative of principles of natural justice. Since the workman in question is connected in I.D. No. 1/82 the Management filed M.P. No. 145/85 in I.D. No. 1/82 under Section 33(2)(b) for approval of dismissal of the workman. The workman in question participated in M.P. No. 145/85 and he has raised the very same allegation in M.P. No. 145/85 which he has raised in the present application. After discussing the various contention raised by the workman, this Tribunal allowed M.P. No. 145/85 approving the action of the Management in dismissing the workman for misconduct committed by him. The workman did not challenge the order passed in M.P. No. 145/85. Thus the workman is estopped by his conduct to reargue the same issues which he had raised in M.P. No. 145/85. It is not correct to say that Vasudeva Rao, Jamadar was not on good terms with the workman. It is not correct to say that the evidence of the management witnesses is contradictory to each other. The entire material facts of the happening on 27-8-82, have been stated in wrong perspective by the workman to suit his case. The Management applied its mind and looked into the past record and enquiry proceedings and thereafter passed the orders of dismissal of the workman. The workman was drawing salary of Rs. 811.77 only at the time of dismissal. The Management is justified in dismissing the workman and as such the workman is not entitled either for reinstatement or for back wages as alleged.

5. The points that arise for consideration are :

- (1) Whether the domestic enquiry held against the workman is fair and proper?
- (2) Whether the findings of the Enquiry Officer are perverse and if not whether the punishment awarded is disproportionate to the misconduct proved.

6. Point 1 :—It may be stated that the Management took the plea in the counter, that the validity of the domestic enquiry has to be decided as a preliminary issue and that the Management shall be permitted to adduce evidence before the Hon'ble Tribunal to prove the charges against the workman in case this Hon'ble Tribunal comes to the conclusion that the enquiry was not conducted properly.

7. On 2-3-1988 the learned counsel for the Management objected my predecessor for recording the evidence of the workman on the ground that this Tribunal has to decide the validity of the domestic enquiry, in the first instance before proceeding to record the evidence of the workman, my learned predecessor proceeded to record the evidence of the workman with an observation on the docket sheet to the effect that the evidence is being recorded without prejudice to the claims, contentions and rights of the management to convince this Tribunal about the scope of enquiry and defects if any in the procedure of validity. In the light of the above observation, it is necessary for this Tribunal to decide the validity of the domestic enquiry in the first instance before proceeding to consider the other point in issue.

8. The workman examined W.W.1 and marked Exs. W1 to W3 on its side. The Management examined on K. V. Subba Rao working as Deputy Personnel Manager as MW.1 and one Sri Hasan Abbas working as Senior Personnel Officer as M.W.2 and marked Exs. M1 to M17.

9. Ex. W1 is the charge sheet dt. 29-8-1981 issued to the workman. Ex. W2 is the explanation dt. 11/13-9-1981 given by the workman to the charge sheet issued to him. The evidence of the workman, on the validity of the domestic enquiry, is to the effect that he was not given the list of witnesses and list of documents on which the Management relied upon, to prove the allegations against him, that the Enquiry Officer did not record the evidenced properly, that he also made a protest dt. 19-9-1981 by making an endorsement (Ex. W3) in the enquiry proceedings. Thus the workman did not speak to all the contentions raised by him in the claim statement questioning the validity of the domestic enquiry. Since the enquiry officer died, the Management examined K.V. Subba Rao (W.W.1) working as Deputy Personnel Manager, and filed various documents on behalf of the Management concerning the enquiry. He identified the signatures and the enquiry of the enquiry officer, that the documents filed by him. The documents Ex. M1 to M4 were marked during the cross examination of the workman (W.W.1). Ex. M1 is the enquiry proceedings. Ex. M2 to M4 are the documents relied upon by the Enquiry Officer during the enquiry. M.W1 also deposed that he is acquainted with the handwriting of late Devarajan who conducted the enquiry into the charge sheet issued against him and that Ex. M1 in the enquiry proceedings, that Ex. M1 is in the handwriting of late Devaraj and that Ex. M1 bears the signature of late Devaraj. Further he deposed that Ex. M5 is the enquiry report submitted by late Devaraj and that Ex. M5 is signed by late Devaraj. He also deposed that Ex. M13 is the order appointing Sri C. Devaraj as Assistant Personnel Officer and that the Assistant Personnel Officers were exclusively appointed to conduct domestic enquiries and that Late Devaraj conducted the enquiry in the present case by virtue of the post held by him as Assistant Personnel Officer. A perusal of the enquiry proceedings goes to show that the workman did not request the Enquiry Officer at any point of time for furnishing the copies of the documents and that the Enquiry Officer refused to furnish the same.

The workman admitted in his evidence that he participated in the enquiry on several days. In case the Enquiry Officer had not recorded the evidence properly as alleged by the workman it is natural to expect the workman to have protested the same by making endorsement in the enquiry proceedings. It is significant to note that the workman signed in the enquiry proceedings on all the days. The enquiry proceedings did not reveal any protest of that nature, raised by the workman. The workman no doubt stated that he made the protest under endorsement on Ex. W3 on 19-9-1981. What is stated in Ex. W3 is that the workman is not admitting to what is written in the proceedings. Thus it is not the case of the workman under Ex. W3 that the proceedings were not recorded properly. The workman also stated in his evidence that the Enquiry Officer went to the extent of closing the doors of the place of enquiry. It may be stated that the workman did not take the said plea in the claim statement. It is an admitted fact that the management filed M.P. No. 145/82 under Section 33(2)(b) of the I.D. Act seeking approval for the dismissal of the workman in question, based on the report of the enquiry officer. Ex. M15 is the order passed in M.P. No. 145/82 on 27-2-1984 regarding the validity of the domestic enquiry. As seen from the order Ex. M15 passed in M.P. No. 145/82 the learned counsel appearing for the workman raised the very same contentions in M.P. No. 145/82 and it is held in M.P. 145/82 that the Enquiry Officer conducted the enquiry in a fair and proper manner. The learned counsel for the Management argued that the order dt. 27-2-1984 in M.P. No. 145/82 has become final and the workman is estopped by his conduct to re-agitate the validity of the issue again in the present industrial dispute. Whether the Petitioner is estopped or not, the evidence adduced by the workman in the present case is not sufficient to hold that the domestic enquiry conducted in this case is not fair and proper. On the other hand the enquiry proceedings goes to show that the workman did participate in the enquiry that the workman was given adequate opportunity to cross examine the management witness and to put forth this case. Thus I am of the view that there are no infirmities in the enquiry proceedings. So I find that the domestic enquiry conducted in this case is just and proper.

10. Point 2:—It is well settled that this Tribunal is clothed with power under Section 11-A of the I.D. Act to reappraise the evidence on record and to come to its own conclusion in relation to the charges. It may be useful to refer to decision of the Supreme Court reported in 1973 S.C., page 1227 (WORKMEN OF FIRE STONE TYRES & RUBBER COMPANY v. MANAGEMENT) and the decision of our High Court reported in 1974 (II) Andhra Weekly Report page 100 (MANAGEMENT OF NIZAMABAD DIST. MARKETING SOCIETY LD. v. GOVT. OF ANDHRA PRADESH). It is seen from the enquiry proceedings that the management examined six witnesses to prove the charges levelled against the workmen in the charge sheet Ex. W1 dated 29-8-1981. The first witness of the Management is G. Seshasai is working as Assistant Engineer, Transport and Stores, Ballampalli. He stated that on 27-8-1981 Sri S. N. Reddy was the driver for the lorry API 1884 in the first shift, that the said S. N. Reddy got the tank of the lorry filled by diesel oil by putting 69 litres as per the revenue indent of the said lorry. He filed the revenue indent of the said lorry as an exhibit in the enquiry and Enquiry Office-marked the same as an

exhibit in the enquiry. The said fact is not disputed by the workman in the cross-examination. From the above it is seen that Sri S. N. Reddy was the driver for the lorry in question in the first shift and that he got the tank of the said lorry filled with 69 litres of diesel oil. Sri G. Seshashai further stated that as per the log sheet kilometer reading of the lorry was 39,622 at the beginning of the first shift, and that kilometer reading was 39,659 kilometres at the end of the 1st shift when S. N. Reddy handed over the lorry at the Stores after the first shift. He filed the log sheet in support of the same, during the enquiry and the enquiry officer marked the same as an exhibit in the enquiry. The workman has not disputed the same in the cross examination.

11. From the above it is clear that Sri S. N. Reddy covered a distance of 37 kilometers in the lorry in question in the first shift. It is the case of the workman Sri Malleish that he reported for duty in second shift on 27-8-1981 at 3.00 p.m. that G. Seshasai Assistant Transport Officer asked him to transport the rails on the track to Somagundam No. 3 Incline that he also instructed him (workman) to transport ash from power house to Somagundam No. 1 Incline in the lorry API 1884. The workmen further stated that he transported rails to Somagundam No. 3 Incline and came back to the Stores at 6.50 P.M. that he took the log sheet and key of the lorry and drove the lorry No. API 1884 to the Power House for transporting ash as directed by the A.T.O. Even the case of the Management as spoken to by Seshasai is that the workman took charge of the lorry API 1884 at 6.45 p.m. after obtaining the key from the watchman. The workman further stated that there was no ash in the first bunker, that he took the lorry to the second bunker, that he got the lorry loaded with ash till 9.00 p.m. that he transported the ash to Somagundam No. 1 Incline, that after unloading the ash, he reported to the Stores at 10.55 p.m. that there was sound in the gear box of the lorry, that he informed the said defect to the third shift Driver Sabir Hussain, that he entered in the log sheet about the sound in the gear of the lorry that he left the Stores at 11.05 P.M. and went home. The case of the Management is that the worker Malleish in question parked the lorry near the Z. P. School by the side of Bus Stand at Bellampally, and that he committed theft of 40 litres of diesel oil by taking the said diesel oil from the tank of the lorry in a plastic container by means of an hose pipe and that Jamedar by name Sri K. Vasudev and the watchman by name, Sri Sk. Mahboob and Sk. Meera, were on special petrolling duty at that time and that they caught the workman at the time of committing the above act. The Management examined the said three witnesses during the enquiry. They gave identical statements before the Enquiry Officer. It is seen from the statements that they were on petrolling duty from 3.00 p.m. on 27-8-1981, that they reached the Bus stand at 10.00 p.m. that they saw the lorry API 1884, having stopped at Z. P. School compound, that they proceeded a head, that they found the lorry stationery there itself, that they came back and stood at a distance of 25 yards to the lorry on the other side of the road. It is in the statement of Sri K. V. Vasudev that the workman was inside the cabin and that the workman started the engine and stopped it, that the workman got down from the lorry and took out the diesel oil with the hose pipe from the diesel tank of the lorry and filled the can with diesel oil, that he sent a watchman by name Sk. Mahboob to find out the matter that the other watchman by name Meera also followed Mahboob and that they caught the workman red handed, that the can filled with diesel was these, that hose pipe was there, that they confiscated both the can and hose pipe, that the workman boarded the lorry and went away, that he took the can and the hose pipe on the cycle of Watchman Sk. Mahboob that they deposited the diesel oil can and the hose pipe at the office of S & P. C., that he went to the stores and informed the third shift watchman Md. Moosa not to give lorry No. API 1884 to any body as theft had occurred in lorry No. API 1884. The statement made by Sk. Mahboob, watchman and Sk. Meera. Watchman are substantially on the same lines as that of the statement of Vasudev Jamedar. Sri Vasudev was cross examined by the workman as to why he allowed him (workman) to go away. If really they had caught hold of him (workman) at the time of committing the offence. The answer given by Vasudev is that after starting the vehicle if the watchman go to the front side, they may get killed. It

appears to me that after they went there the workman, K. Malleish boarded the lorry and went away and that they did not venture to stop the lorry as they were afraid that they might be killed. However these are various circumstances to support the statements given by K. Vasudev, Sk. Mahboob and Sk. Meera about their witnessing the workman Malleish committed the theft of diesel oil from the lorry API 1884. It is in their statements that they deposited the diesel can and hose pipe seen at the office of the S & P. C. in the night itself. One Magdad Ali who is Junior Security Officer, S & P. C. also gave a statement during the enquiry. He stated that at 7.30 P.M. on 28-8-1981 Vasudev reported to him in the office that he caught hold of Malleish (workman) red handed when he was removing oil from the tank of the lorry API 1884 near the bus stand by the side Z. P. School at 10.40 P.M. and that they confiscated the can full of diesel oil and one plastic pipe, and that he gave a report to Deputy Controller of Stores. His statement was recorded on 29-8-1981 and he produced the diesel oil tin and plastic hose pipe during the enquiry. It is significant to note that Vasudev also stated in the enquiry that he gave a report to the Junior Security Officer in the morning of 28-8-1981. Md. Moosa was the watchman during the third shift on 28-8-1981. He stated in the enquiry that he was on duty as a Watchman in the Stores from 11.05 P.M. on 27-8-1981 in the third shift, that at 11.10 P.M. Vasudeva came and told him not to allow the third shift driver to take the lorry API 1884 as diesel oil that top place and that he did not allow the lorry API 1884 to be taken out during the third shift as instructed by K. Vasudeva. It is also there in the statements of two watchmen i.e. S. K. Mahaboob and S. K. Meera that they reported the theft of diesel oil in the lorry API 1884 to the Watchman of third shift on 27-8-1981 and they also instructed the watchman not to allow the lorry API 1884 to be taken out in the third shift. These version of Vasudev and two other Watchman is supported by the statement of Md. Moosa who was the watchman in 3rd shift at the stores. As already observed Md. Moosa stated before the Enquiry Officer that he did not allow the lorry to be taken out in the third shift. Then there is a statement of G. Seshasai to the effect that Sri Malleish did not record the kilometre reading in the log sheet and that he recorded the kilometre reading as 39683 at 7.00 a.m. on 28-8-1981. From the statement of G. Seshasai it is evident that K. Malleish (workman) covered a distance of 24 kilometers in the lorry in the 2nd shift, from 6.50 p.m. to 10.55 P.M. on 27-8-1981. Sri Seshasai produced Stores indent cum-voucher 20377 dt. 23-9-81 before the Enquiry Officer showing that the tank of the lorry was full with diesel oil by filling with 69 litres of diesel oil. He also produced log sheet of the dt. 28-8-1981 pertaining to API 1884 to show that the vehicle took 63 litres of oil to make it a full tank. Further he stated that the lorry gives 2-1/2 kilometers per litre. This goes to show that the vehicle No. API 1884 plied 61 kilometers in the first and second shifts (37 kilometers first shift and 24 kilometers in the second shift) and that the lorry should have consumed 24 litres only to cover the distance of 61 kilometers. Thus the remaining 39 litres of diesel oil must have been definitely taken from the tank of API 1884 before the lorry was handed over to the Watchman of third shift at 11.05 P.M. on 27-8-1981 by Malleish the workman. The above circumstances also lend support to the statement of Vasudev and the other two watchmen about their witnessing the removal of diesel oil from the tank of lorry API 1884 at about 10.40 P.M. on 27-8-1981 near the bus stand by the side of Z. P. School. It is not disputed that Malleish was the driver of the lorry at the relevant time. The Enquiry Officer had gone through the evidence adduced before him in the enquiry and gave cogent reasons for arriving at a conclusion that the workman in question took out the diesel oil from the tank of the lorry API 1884 at 10.40 p.m. in a plastic can by means of an hose pipe and the said act of the workman amounts to theft. The enquiry officer also gave reason for not acting upon the statement of two witnesses produced by the workman in support of the case. The workman stated in the cross examination that he has transported two passengers one from Somagundam No. 1 Incline to cross roads and another from Railway Station to the Stores in the lorry API 1884 and he collected Rs. 0.50 ps from each of them. It is significant to note that the workman did not state the same in the explanation given by him. He did not

state in the chief examination on 3-12-1981 before the enquiry Officer that he transported two passengers. During the cross examination he was put the following question: "When our Jamedar and two watchman are telling that you had come via 44 Dip pit and then how is it you are giving via G. M's Office". The Petitioner wanted time to answer the said question. He gave answer on 17-12-1981 stating that he came via G. M's Office and that he was carrying two passengers by name Sri E. Narsiah and G. Nagesh. Thus the two witnesses examined by the workman came into existence at a belated stage. Sri Nagesh stated that he was in the second shift on 27-8-1981, that he postponed the second shift on 27-8-1981, that he returned the lamp at the end of the shift, that he came to the cross roads of Somagundam road and boarded into the lorry, that he entered Bellampalli town via G. M's Office, that on the way one person also boarded the lorry, that he came upto the Stores in the lorry and got down and that he paid Rs. 0.50 paise to the driver. He did not give the number of the lorry nor the name of the Drivers. Further he stated that by the time he got down they heard siren. In the cross examination he stated that he came out at 10.30 P.M. However as per 'C' Register produced by the Management during the enquiry, he was on duty till 11.00 P.M. In my view the statement of G. Nagesh is not much helpful to the workman. The other witness Narsiah stated that he boarded the lorry driver by Mallesh on 27-8-1981 at the Railway Station, that he got down from the lorry at the Stores that he was going home, that he was nearing a Weigh Bridge, and that he heard 11.00 P.M. siren. In cross examination he stated he did not go for duty on that day and his shift was second shift only on that day. However as per 'C' Register produced by the Management he worked in the first shift. Further more he did not speak to the presence of Nagesh in the lorry at that time. In view of the above infirmities, I am of the view that there was no error on the part of the enquiry officer is not acting upon the statements of the above two persons examined by the workman in support of his case. Further I find that the evidence on record adverted, in the above discussion, clearly justifies the Enquiry Officer in holiday the workman guilty of the charges levelled against him. Thus I see no infirmity whatsoever in the findings recorded by the Enquiry Officer holding the workman guilty of commission of theft about 40 litres of diesel oil from the lorry API 1884 belonging to the Company constituting misconduct under Section 16(2) of the Company's Standing Order.

12. So the next aspect to be considered is whether the punishment of dismissal of the workman is shockingly disproportionate to the misconduct proved against the workman. In an unreported decision of the High Court in W.P. No. 6991/79 dated 12-12-1985 consisting of Hon'ble Justice Mr. Raghuvver and Hon'ble Justice Mr. Ramaswamy, it is held that a dismissal of a driver for the theft of two litres of petrol, is not disproportionate to the offence charged against the workman. It was a case of dismissal of a driver for the theft of two litres of petrol and the said dismissal order was confirmed by this Tribunal and the Hon'ble High Court also agreed with the order of this Tribunal. In the decision of Supreme Court reported in 1971 Lab. and I.C. 1393 (Francis Klein & Co. v. workmen). It was held that where the services of an employee who is discharging an office of trust are terminated on ground of loss of confidence, the Industrial Tribunal should not either direct his reinstatement or direct that he should be employed in another job." In the present case the theft of Company's property is involved. In my view the Management cannot be with any amount of grace be compelled to keep a person found guilty of theft of the Company's property in service. Unless the punishment awarded to be said to be shockingly disproportionate as to suggest to victimisation or unfair labour practice, this Tribunal will not justify in interfering with the punishment awarded. Since the charge of theft is grave misconduct, I do not think that the punishment awarded can be interfered with. Hence I find there is no justification to interfere with the punishment of dismissal awarded.

13. In the result an Award is passed holding that the Management is justified in dismissing Sri K. Mallesh Driver from service with effect from 12-9-1982.

C. RAM REDDY, Industrial Tribunal

[No. L-21012/14/85-D.U.B/IRC-II]

R. K. GUPTA, Desk Officer

Appendix of Evidence

Witnesses Examined

for the Workmen:

W.W1 K. Mallesh

Witness Examined

for the management

M.W1 K. V. Subba Rao

M.W2 Hasan Abbas.

Documents marked for the Workmen:

Ex. W1—True copy of the Charge Sheet dt. 29-8-81 issued to K. Mallesh by the Dy. Controller of Stores, S.C. Co. Ltd., Bellampalli.

Ex. W2—True copy of the explanation dt. 11/13-9-81 given by K. Mallesh to the Dy. Controller of Stores, Bellampalli in view of the Charge Sheet dt. 29-8-81.

Ex. W3—Protest made in writing by K. Mallesh on 19-9-81 with regard to conducting the enquiry by the Enquiry Officer. (Marked at Page I of Ex. M1).

Documents marked for the Management:

Ex. M1—Enquiry Proceedings.

Ex. M2 By Consent—Log Sheet for Motor Vehicles Form II, Vehicle No. 1884, K. S. Mathews, Driver, dated 28-8-81.

Ex. M3 By Consent—Stores Indent-cum-Voucher dt. 27-8-81.

Ex. M4 By Consent—Log Sheet for Motor Vehicles Form II Vehicle No. 1884 S. N. Reddy, Driver dt. 27-8-81.

Ex. M5—Enquiry Report.

Ex. M6—Charge Sheet dt. 29-8-81 issued to K. Mallesh by the Dy. Controller of Stores, Bellampalli.

Ex. M7—Explanation dt. 11/13-9-81 submitted by K. Mallesh to the Dy. Controller of Stores, Bellampalli.

Ex. M8—Entire file relating to enquiry.

Ex. M9—Dy. Controller of Stores letter dt. 12-3-82 with regard to recommendation of dismissal.

Ex. M10—Dismissal Order dt. 11-9-82 issued to K. Mallesh by the Additional Mining Engineer, Bellampalli Division-II, S.C. Co. Ltd.

Ex. M11—Acknowledgement dt. 11-9-82 from K. Mallesh with regard to receipt of Letter No. BDP/5/82/143 dt. 11-9-82 together with a copy of the full domestic enquiry file.

Ex. M12—Notice pay in respect of K. Mallesh driver (Three in Number).

Ex. M13—Copy of the Office Order dt. 5-7-82 issued to T. Devaraj and others by the General Manager, S.C. Co. Ltd., Kothagundam with regard to work as Assistant Personnel Officers.

Ex. M14—Promotion Order dt. 15-1-82 issued to T. Devaraj and others by the Chief General Manager, S.C. Co. Ltd., Kothagundam promoted then as Divisional Personnel Officers.

- Ex. M15—Certified copy of the Preliminary Order in M.P. No. 145/82 in I.D. No. 1/82 dt. 27-2-1984.
- Ex. M16—Certified copy of the final orders in M.P. No. 145/82 in I.D. No. 1/82 dt. 7-5-1985.
- Ex. M17—Photostat copy of the letter No. P10/2611/1846 dt. 13-7-1985 addressed by Chairman and Managing Director, S.C. Co. Ltd., Kothagudam to all G.M.S. G.M.B.P.A. and all Chiefs of S.C. Co. Ltd., with regard to Disciplinary action.

C. RAMI REDDY, Industrial Tribunal

नई दिल्ली, 20 दिसम्बर, 1989

का.आ.131.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धकों के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण व श्रम न्यायालय चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 दिसम्बर, 1989 को प्राप्त हुआ था।

New Delhi, the 20th December, 1989

S.O. 131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 19-12-89.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHADIGARH

Case No. I. D. 44/87

PARTIES:

Employers in relation to the management of State Bank of India.

AND

Their workman : S. K. Chabra.

APPEARANCES:

For the workman : Shri P. P. Trikha.

For the management : Shri Asok Khullar.

INDUSTRY: Banking.

STATE: Punjab.

AWARD

Dated, 23rd November, 1989

On a dispute raised by workman S. K. Chabra, against the management of State Bank of India, Central Government had vide No. L-12012/289/86-D.II(A) dated 18th June, 1987 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the State Bank of India, Punjab Region, Chandigarh in dismissing Shri Satish Kumar Chabra Clerk-cum-Cashier at their branch Faridkot on 17-3-1981 is legal and justified? If not, to what relief is the concerned workman entitled and from what date?"

2. The case of the petitioner as set out in the statement of claim is that S. K. Chabra petitioner was working as clerk at Faridkot branch of the Respondent Bank when he was placed under suspension on 17-1-1978. Charge Sheet was served on him on 28-4-1978 on the allegations of having abused and slapped the Bank officials and also leaving the work undone. In pursuance of the regular inquiry held

against him the petitioner was dismissed from service. Appeal preferred by him was also rejected. It is alleged that during the conciliation proceedings before the Assistant Labour Commissioner (Central), Chandigarh the management had agreed to hold fresh inquiry and changed the inquiry officer. The petitioner contends that on the basis of oral understanding between General Secretary of the workers union and the management, that the charges against the workman would be dropped, only a formal inquiry was held on 31-3-1979. On receipt of the report from inquiry officer, Regional Manager had approved the office note favouring re-instatement of the petitioner but in view of the complaints motivated by inter-union rivalry and pressure from the Central Office of the Bank, the regional manager destroyed the said note. He set aside the inquiry proceedings conducted on 31-3-1979 and ordered another inquiry. The said subsequent inquiry was conducted by Shri S. C. Malik on 10-7-1979 without notice to the workman and in his absence. In view of the irregularities committed by the inquiry officer in holding the exparte enquiry in his absence, the disciplinary authority set aside the exparte inquiry of 10-7-1979. The inquiry was fixed for 25-10-1979 on which date no proceedings were conducted and the inquiry was adjourned to 14-11-1979 on which date the workman fell ill and could not attend the inquiry proceedings. The inquiry officer did not adjourn the proceedings even after receipt of the information about illness of the workman and submitted his report to the effect that earlier proceedings of the exparte inquiry held on 10th July, 1979 shall hold the field. In pursuance of the report submitted by the inquiry officer services of the petitioner were again ordered to be terminated.

The petitioner has assailed the order of termination of his services on the following grounds: (i) Charge sheet served upon him was defective for want of complete particulars (ii) Inquiry officer has based his findings on the exparte inquiry dated 10-7-1979 which had already been set aside (iii) the inquiry earlier held by Shri V. K. Rai was wrongly abandoned (iv) there was no medical evidence before the inquiry officer about any injuries alleged to have been sustained by Kartar Singh (v) the witnesses were called by the inquiry officer simultaneously and their statements were recorded by the inquiry officer by putting leading questions (vi) the inquiry officer who was biased against the workman did not take note of the contradictory statements made by the witnesses.

3. The management in its answer filed has stated that during April 1978 Shri S. K. Chabra workman was served with charge sheet which inter-alia contained allegations that besides not attending to official work and sitting idle on his seat on 9-1-1978 he had created riotous and disorderly scene at the branch and had slapped Shri K. L. Aggarwal, Head Cashier sitting on his seat besides manhandling Shri Kartar Singh messenger and inflicted injuries on his face. Both on 9th and 10th January, 1978 he had not attended to his official duties after marking attendance in the attendance register and remained idle throughout on both days. The departmental inquiry was initiated against the workman and Shri V. K. Rai officer Grade I was appointed as inquiry officer. Later on, on request of the petitioner the inquiry officer was changed and another inquiry officer namely Shri S. C. Malik was appointed who submitted his inquiry report on 10-7-1979. While appreciating the report of the inquiry officer the disciplinary authority called upon the inquiry officer Shri S. C. Malik to afford fresh opportunity to Shri S. K. Chabra. The workman was given as many as ten opportunities to attend the inquiry and since there was no representative on behalf of the workman, the inquiry officer was left with no opportunity but to submit his report on 14-11-79. The management contends that workman had been given full opportunity to defend his case but it is he who did not co-operate with the inquiry officer. The workman was afforded personal hearing by the disciplinary authority on 14-4-1980 before passing of the final order after serving show cause notice of the proposed penalty to the workman. The management has denied if there was any verbal understanding to drop the inquiry against the petitioner and if the hiccups in the Central Office had intervened in the inquiry.

4. Parties were allowed opportunity to lead evidence in support of their rival contentions. Management filed affidavit Ex. M1 of Shri S. C. Malik the then inquiry officer presently posted as Chief Instructor Staff Training Centre, Agra. During his cross-examination he made statement that in the course of inquiry during July 1979 workman had admitted all the charges levelled against him. He had admitted the fact that inquiry held by him on 21-3-79 was set aside by the disciplinary authority and inquiry held on 10-7-1979 was conducted as exparte. In his statement he has denied the suggestion if he had called all the witnesses together. He stated that witnesses were called by him one by one.

In rebuttal S. K. Chhabra workman filed affidavit Ex. W1 reiterating the allegations made in the statement of claim. During his cross-examination he admitted that he had made oral request to the Regional manager for changing the inquiry officer Shri V. K. Rai and that his Union had also made request in written for change of the inquiry officer. He states further that he had also made the request before the Assistant Labour Commissioner (C) for changing the inquiry officer and thereafter Regional Manager had changed the inquiry officer. He also admitted that he had notice of the inquiry proceedings fixed for 25-10-1979. He states that he had attended the proceedings on 25-10-1979 but could not do so on 14-11-1979 as he had fallen ill. He admits further that he was afforded opportunity for personal hearing by the disciplinary authority on 14-4-1980 and received copy of the order passed appeal preferred by him against the order of dismissal. Shri S. K. Chhabra has admitted to have signed proceedings conducted on 21-3-1979. It is worthwhile to reproduce relevant part of the proceedings which reads as follows :

“Employee: I have explained by position to the then Enquiry Officer Shri V. K. Rai, yet I do not want to proceed any further and accordingly my following submission should be recorded.

But for all that happened on 9th and 10th January, 1979 I sincerely regret for what I did. Kindly forgive and I assure your good self that I shall never repeat such behaviour in future. Hence no formal proceedings for witnesses etc. are required.

Bank representative : In view of the admissions of the charges by the employee concerned, I need not produce any witness in my custody.

E.O. Accordingly I close the enquiry as the charges listed have been fully admitted by the employee and he has refused to cross-examine or produce any witness on his behalf.”

5. The evidence on the file consisting of statement recorded and documents tendered before this Tribunal and the proceedings recorded by the two inquiry officers copies of which have been laced on the file discloses that the first inquiry officer Shri V. K. Rai had conducted inquiry of the charges on 7th to 19th July, 1978 and again from 4th to 8th September, 1978. The workman did not appear before the inquiry officer Shri V. K. Rai on 9-9-1978. The proceedings were adjourned to 18-9-78 whereafter on request made by the workman to the management and to the A.L.C. the management had changed Shri V. K. Rai inquiry officer and entrusted inquiry to Shri S. C. Malik. Perusal of the proceedings recorded by Shri V. K. Rai on the above mentioned dates shows that the workman had through out adopted non-cooperative attitude before Shri V. K. Rai who recorded statement of Shri K. S. Gujral and Balbir Singh on behalf of the management. When the matter came up for further inquiry before Shri S. C. Malik on 21-3-1979 for further evidence of the department on charge No. 3, Shri S. K. Chhabra workman made confessional statement reproduced in para No. 4 of this order. Shri S. C. Malik on the same day i.e. 21-3-1979 submitted his report with the findings that since the delinquent employee had owned the charges contained in the charge sheet the charges stand established. After Shri S. K. Malik had submitted his findings dated 21-3-1979, Officer incharge of the Disciplinary Action Cell had pointed out that the inquiry conducted suffers from certain infirmities. He suggested a new inquiry may be

ordered. The evidence on the files does not suggest if any de novo inquiry was ordered. Shri S. C. Malik conducted inquiry exparte against the workman on 10-7-1979 on the ground that he had failed to join the proceedings inspite of notice dated 27-6-1979. On 10-7-1979 Shri S. C. Malik recorded statements of various witnesses including Shri K. L. Aggarwal who had been allegedly slapped by the workman. Proceedings recorded on that day were signed by the witnesses at the bottom of the proceedings. Name of Kartar Singh was also mentioned but then cross (X) was applied. The evidence on the file shows that statement of Kartar Singh was not recorded on that day and his name was firstly mentioned at the bottom of the proceedings but then scored out. Shri S. C. Malik inquiry officer submitted his fresh findings dated 10-7-1979 holding that all the charges stands established. The disciplinary authority who is regional manager while appreciating the evidence came to the conclusion that the inquiry had been conducted exparte/inabsentia without serving proper notice on the employee. He therefore advised the inquiry officer to deal with the matter afresh after serving proper notice on Shri S. K. Chhabra so that he is granted full opportunity to defend himself in the inquiry. It is in evidence that Shri S. C. Malik had fixed the hearing of the inquiry at Faridkot on 25-10-1979 on which date he failed to reach Faridkot. Thereafter he fixed the inquiry for 14-11-1979. On 14-11-1979 he had passed final order. The disciplinary authority accepting the above mentioned note of the inquiry officer had vide detailed order No. DAC/81/733 dated 4th July, 1981 ordered for dismissal for the workman. In sport of his contention that he had fallen ill and sought adjournment from the enquiry officer for the proceedings on 14-11-79 the workman has placed on file photo copy Ex. 5 of the postal receipt to show posting of registered letter dated 12-11-79 in the name of Shri S. C. Malik branch manager, State Bank of India, Brahmपुरi Branch, Ludhiana and another photo copy Ex. R1 of postal receipt dated 13-11-79 addressed to Shri O. P. Sood Bank Rep. conducting the enquiry on behalf of Bank. This Tribunal on request of the workman had ordered the management to produce the original enquiry proceedings. The management for the reasons best known to it has failed to produce the same on the ground that the same is not traceable. The workman had also desired for production of letters exchange between the enquiry officer and regional office central office of the Bank on the subject of quantum of punishment but the management denied the existence of any such letter.

6. It is a case where the workman did not co-operate with the first inquiry officer and on his request Shri V. K. Rai first inquiry officer was changed and the further proceedings of the inquiry were conducted by Shri S. C. Malik. During the course of inquiry the workman had admitted his guilt of the charges levelled in the charge sheet but Shri S. C. Malik was presumably asked to hold further inquiry. Shri S. C. Malik held exparte inquiry on 10-7-1979 on the assumption that the notice dated 27-6-1979 had been served on the workman. Subsequently it transpired that the said notice was received back unserved. The disciplinary authority thereafter ordered for holding fresh inquiry but no fresh inquiry was held. On the basis of exparte inquiry the inquiry officer had again confirmed the findings for the reasons that workmen had failed to associate himself with the inquiry proceedings on 14-11-1979. I do agree with the contentions of the representative of the workman that no inquiry holds the field. Only a part of inquiry was held by Shri V. K. Rai by recording statements of Shri K. S. Gujral and Balbir Singh and further inquiry dated 10-7-1979 was held against the workman exparte without service of notice. The inquiry held on 10-7-1979 was set aside by the disciplinary authority through his order dated 5-9-79. The inquiry officer has confirmed his earlier findings (which had been set aside on the ground that workman had failed to join the inquiry on 14-11-1979 in spite of notice. Evidence on the file shows that earlier to 14-11-1979, the workman had sent his request for adjournment on the ground of illness. There has been thus no proper inquiry in the matter though the workman had through put adopted non-cooperative attitude and the management through out given him fair deal by changing the inquiry officer on his request and ordered fresh inquiry for the reason that he have not been served with proper notice before holding the inquiry in absentia on 10-7-1979. Taking into consideration the circumstances of the case when the workman

has through out thwarted the inquiry by adopting unfair tactics, I find that it is a fit case where management shall be allowed opportunity to hold fresh inquiry against the workman. The workman was dismissed from service through order dated 17-3-1981 and his appeal was decided on 4th July, 1981. The present reference was made on 18-6-1987 after a period of about six years. In the given circumstances of the case and taking into consideration that the workman had raised the dispute belatedly, he is not entitled to the back wages for the time being and the entitlement of the wages to the workman for the period he remained out of employment, shall go by the final decision in the matter after further inquiry against him. He is however entitled to his re-instatement forthwith on the last pay drawn by him at the time of his suspension but entitled to the further increments for the service to be rendered now onwards.

The reference is returned with the findings that action of the State Bank of India, Punjab Region, Chandigarh in dismissing Shri S. K. Chhabra clerk-cum-cashier at the Faridkot branch on 17-3-81 suffer from legal infirmity and is not justified. He is entitled to immediate re-instatement forthwith but his claim for backwages shall abide by the final decision taken after further inquiry to be conducted by the department if it so likes. In case the department does not desire to hold further inquiry then he shall be entitled to full back wages with all attendant benefits including increments bonus etc.

Chandigarh,

23-11-1989.

M. S. NAGRA, Presiding Officer

[No. L-12012/289/86-D.II(A)]

का.प्र. 132:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय स्टेट बैंक के प्रबन्धकों से संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकांश, व श्रम न्यायालय चर्चार्थक के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19 दिसम्बर, 1989 को प्राप्त हुआ था।

S.O. 132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 19-12-89.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 58/87

PARTIES:

Employers in relation to the management of State Bank of India.

AND

Their workman: Vir Bhan.

APPEARANCES:

For the workman: Shri N. K. Sharma.

For the management: Shri Ashok Khullar.

INDUSTRY: Banking.

STATE: Punjab.

AWARD

Dated, the 21st November, 1989

On a dispute raised by the workman against the management of State Bank of India, Central Government had vide

No. L-12012/409/86-D.II(A) dated the 7th August, 1987 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the State Bank of India in denying the full time post and wages of Messenger to Shri Vir Bhan part time sweeper at their Nangal Bhur Branch is justified? If not, to what relief the concerned workman is entitled and from what date?”

2. Case of the petitioner as set out in the claim statement is that he was working as part time sweeper at Nangal Bhur Branch of the Respd. Bank and from the very first day of his appointment he was entrusted with the extra duties of messenger. He submits that he used to do the job of sweeper for one hour and messenger for job for the rest of the day but he was paid only a sum of Rs. 60 per month as salary which was subsequently raised to Rs. 100 per month. It is pleaded that he sued to work at the branch till about 3.00 P.M. and afterwards he used to carry dak to deliver it to Pathankot on the same day before 5.00 P.M. He contends that action of the management in denying him full time wages and appointment as a messenger is unjustified, illegal and violative of the provisions of Award/settlement. He seeks payment of difference of wages between wages paid and the wages due to him.

3. The management in its reply filed admitted that Vir Bhan was appointed on 8-10-1982 as part time sweeper on temporary basis and was absorbed as such on permanent basis with effect from 4th May, 1983. It is mentioned that Vir Bhan had been marking his attendance from 9.00 A.M. to 10.00 A.M. in the attendance register. Shri Chuni Lal permanent messenger posted at the branch up to 30th May, 1985 was placed under suspension with effect from 31-5-1985 and another permanent messenger was posted at the Branch with effect from 17-7-1986. It is mentioned that workman was never appointed as a messenger but job of dak delivery was taken from him casually for which he was re-imburse conveyance expenses.

4. Parties were allowed opportunity to leave evidence in support of their respective claims Shri R. K. Mahajan the then Branch manager Nangal Bhur Branch filed affidavit Ex. M1 to the effect that Vir Bhan workman was never appointed as messenger and Bank on his offer had allowed the workman to carry dak to Pathankot for which workman was paid conveyance expenses. In his affidavit he has mentioned that Shri Chuni Lal was posted at the Branch as permanent messenger till his suspension on 31-5-1985. The permanent messenger was again posted with effect from 17-7-1986. During his cross-examination he admitted that Vir Bhan had performed the job of dak delivery during the period 8-10-1982 to 3-3-1986. He has state that Vir Bhan had been leaving the Bank branch at 11.00 A.M. and on the way he used to deliver the dak at places of destination. Shri R. K. Mahajan has further stated that he had been handing over the dak to Vir Bhan at 10.00 A.M. but he never reported back on the same day and used to bring the endorsement of the dak on the following day. He in specific that attendance of Vir Bhan was marked from 9.00 A.M. to 10.00 A.M. and he has been paid conveyance charges of one side journey on each day from Nangal Bhur to Pathankot vide bills photo copies of which is Ex. W1 to W37.

In rebuttal, the workman Vir Bhan filed his affidavit Ex. W38 to the effect that daily in the evening after finishing the job in the branch, he was entrusted with the duties of taking and bringing dak to and from Pathankot for which he used to be paid conveyance charges every day. He solemnly affirmed that he was working for full day as messenger and was not allowed to mark his attendance in attendance register. It is further stated by him that he is qualified for the post of messenger and had requested the authorities many times to appoint him as such and pay him wages accordingly. During his cross-examination he has admitted marking his attendance from 9.00 A.M. to 10.00 A.M. in the attendance register sheets copies of which are Ex. M2 to M30. He has also admitted that he was appointed as sweeper and he had never complained to the Regional Manager for

payment of messenger allowance. He admitted that when he joined the branch there was messenger already posted in the branch who was suspended.

5. The evidence on the file consisting of photo copies Ex. W1 to W37 of the bills and payment orders shows that during March 1985 to February 1986 he was paid conveyance charges for carrying the dak to Pathankot and back. Admittedly Pathankot city falls in the way of Nangal Bhur Branch of the Bank and the Village Sarna where the workman Shri Vir Bhan resides. Material placed on the file shows that Vir Bhan had marked his presence in attendance register from 9.00 A.M. to 10.00 A.M. Thus he was not in a position to collect the dak earlier to 9.00 A.M. from Pathankot. Shri R. K. Mahajan the then Branch Manager is specific in his statement during the cross-examination that Vir Bhan had not been reporting back to the branch on the same day. The evidence led by the parties discloses that Vir Bhan had been reporting at 9.00 A.M. and doing the job of sweeper from 9.00 A.M. to 10 A.M. On some of the days he was deputed with the job to carry the dak to Pathankot. In the beginning he was paid conveyance charges for one side travelling and subsequently for both side travelling after Chuni Lal permanent messenger had been suspended in May 1985. Shri R. K. Mahajan admits in his cross-examination that Vir Bhan had been leaving the branch at 11.00 A.M. and carry the dak for delivery at Pathankot. He admits that Pathankot is about 11 Kms from Nangal Bhur Branch. It is in evidence that Vir Bhan had been taking the dak on bicycle and claimed rickshaw charges. The travelling time on bicycle and rickshaw for 11 Kms is certainly about one hour. Thus Vir Bhan as per branch Manager statement had been reaching at Pathankot at about 12.00 Noon or so. It certainly takes time to collect and deliver the dak depending upon the whims and convenience of the person to whom the dak was to be delivered and from whom the dak was to be collected. It is evident that Vir Bhan had been doing the job work of messenger from 10.00 A.M. to 1.30 P.M. which in other words means for half working day. Admittedly Vir Bhan workman was appointed as part time sweeper and subsequently absorbed as a permanent one. The mere fact that additional work of messenger for delivery of the dak was taken some time regularly and some time irregularly during the period October 1982 to February 1986 in no way entitle the petitioner/workman to his full time appointment to the post of messenger. He has failed to point out any policy decision, agreement, award and Bipartite settlement, in support of his claim to appointment to the full time post of messenger. His claim for appointment to the full time post of messenger is devoid of any merit. He is however entitled to half day wages at the rate payable to the messenger for the days he had worked as messenger during the period October 1982 to February 1986.

6. The reference is returned with the findings that action of the State Bank of India in denying full time post of messenger to Shri Vir Bhan workman part time sweeper at their Nangal Bhur Branch is justified. The workman is however entitled to half day wages at the rate payable to messenger for the days he worked as messenger during the period October 1982 to February 1986.

Chandigarh :

21-11-1989.

M. S. NAGRA, Presiding Officer

[No. L-12012/409/86-D.II(A)]

नई दिल्ली, 21 दिसम्बर 1989

का.प्र. 133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधक के संज्ञित नियोजकों और उनके कर्मचारों के बीच, अन्वय में निश्चित औद्योगिक विवाद में श्रम न्यायालय, एर्नाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20 दिसम्बर, 1989 को प्राप्त हुआ था।

New Delhi, the 21st December, 1989

S.O. 133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Labour Court, Ernakulam as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 20-12-89

ANNEXURE

IN THE LABOUR COURT, ERNAKULAM

Tuesday, the 5th day of December, 1989

PRESENT :

Industrial Dispute No. 109 of 1987 (C)

BETWEEN

The State Bank of India, represented by the Chief Regional Manager, State Bank of India, Regional Office, Ananda-Vilasam, East Fort, Trivandrum-690023

AND

Their workman Shri C. F. Xavier, Menghatu House, Near Water Tank, Kannaamali P.O., Cochin Ernakulam District, Kerala.

REPRESENTATIONS :

Shri B. S. Krishnan, Advocate, Ernakulam—For Management.

Shri Mohammed Asharaf, Advocate, Cochin-2—For Workman.

AWARD

The Industrial Dispute between the above parties was referred to this Court for adjudication by the Government of India, Ministry of Labour, New Delhi as per Order No. L-12012/588/86-D.II(A) dated 18-11-1987. The issue referred for adjudication is the following :—

"Whether the action of the management of State Bank of India in dismissing from service Shri C. F. Xavier, Sub-staff (Messenger) of Cochin Shipyard Branch of the Bank is justified. If not, to what relief is the workman concerned entitled?"

II. The dismissal was after a domestic enquiry, the correctness of which was seriously challenged by the workman. The validity of the domestic enquiry was considered as preliminary issue and I found as per my order dated 7-11-1989 that there was a proper and valid domestic enquiry. The findings of the Enquiry Officer were also confirmed by me. Facts necessary for the disposal of the case have been narrated in that preliminary order which I shall extract here in full :—

"PRELIMINARY ORDER

The issue referred to this Court for adjudication by the Government of India, Ministry of Labour, as per their Order No. L-12012/588/86-D.II(A) dated 18-11-1987 is "Whether the action of the management of State Bank of India in dismissing from service Shri C. F. Xavier, Sub-staff (Messenger) of Cochin Shipyard Branch of the Bank is justified? If not, to what relief is the workman concerned entitled?"

2. The workman has filed a claim statement stating as follows :

The workman was under the continuous service of the management from 14-9-1966. The last drawn salary of the workman was Rs. 1,200 per month. After conducting a perfunctory enquiry the workman was dismissed from service. No opportunity of being heard was given to the workman. The dismissal of the workman was in flagrant

and open violation of the service rules applicable to the workman. It is prayed that the Hon'ble Court be pleased to reinstate the workman in the service of the management with full back wages, and continuity of service.

3. The Management has filed a counter statement contending as follows :—

Date DDs purchased.	Branch from where DD is purchased	Instruments drawn on.	Amount	Balance on the date of issue.
2-5-81.	Willington Island	Tirur Br.	R. 300/—	446.85
27-5-81	Cochin	do.	Rs.500/—	310.20
15-6-81	do	do	Rs. 500/—	5.46
29-6-81	do	do	Rs 500/—	5.84
27-7-81	do	do	Rs 500/—	
do	Panayappally	do	Rs.400/—	339.56
12-9-81	Cochin	do	Rs.800/—	92.75
12-12-81	Cochin Shipyard	do	Rs.400/—	15.66
26-12-81	do	do	Rs.400/—	15.66
30-12-81	do	do	Rs.500/—	15.66
20-1-82	do	do	Rs.800/—	65.66
23-1-82	do	do	Rs. 300/—	65.66

The above debts except one purchased from Panayappally Branch on 27-7-81 for Rs. 400 have not been responded to by Tirur Branch. He has not provided sufficient funds in his accounts to meet the cheques/withdrawal slips. He has thus misappropriated a sum of Rs. 5,500 and the bank faced loss of this amount. Three cheques negotiated by him from Cochin Shipyard Branch on 12-12-81, 26-12-81 and 30-12-81 have not been responded to by Tirur Branch. When this was brought to his notice, he issued duplicate withdrawal slips on 8-8-83 and handed over them to Cochin Shipyard Branch, even though he has already closed his account at Tirur Branch on 3-2-1982 and this matter was not brought to the notice of the Branch Manager. Consequently cheques/withdrawal slips had to be returned by the Tirur Branch stating that the account was closed. He did not make good the amount. Therefore, the entries had to be responded to by debiting suspense account on 25-8-81. He negotiated an instrument for Rs. 400 at Panayappally on 27-7-81 which was not responded to at Tirur Branch. This amount was recovered from him on 7-6-83. Thus he temporarily misappropriated a sum of Rs. 400. He has unauthorisedly absented from 12-1-81 to 14-1-81, from 14-5-81 to 22-5-81, from 25-5-81 to 30-5-81, from 8-6-81 to 11-6-81, from 27-7-81 to 28-7-81 and from 12-9-81 to 14-9-81. The workman was given opportunity to submit his explanation. His explanation was found unsatisfactory and so the Management ordered an enquiry by appointing an enquiry officer who filed his report. Accepting the finding of the enquiry officer the delinquent was dismissed from service. The enquiry conducted by the enquiry officer is legal and proper following the principles of natural justice.

4. The workman has filed a rejoinder reiterating the claims in the claim statement and refuting the contentions in the counter statement filed by the Management.

5. The point that arises for consideration is whether the enquiry conducted is legal and proper and the finding entered into by the enquiry officer is supported by legal evidence.

6. For the Management MW1 was examined and Ext. M1 marked. For the workman WW1 was examined.

7. The delinquent workman was a Sub-Staff (Messenger) of Cochin Shipyard Branch of the Management Bank. While so, a memo of charge was issued to him alleging certain misconducts committed by him. He was submitted his explanation to the charge. Not satisfied with the explanation submitted by him the Management ordered a domestic

The workman has been charge-sheeted by the charge-sheet dated 19-10-1983. The charges are that he has been misusing his S.B. Account with the Management Bank and the cheque leaves issued for operating the account. He has been raising money by discounting cheques on his account without keeping sufficient balance in his account. The following are the withdrawal slips/cheques negotiated by him on his account without keeping sufficient balance on his account except in Willington Island Branch on 2-5-1981.

enquiry by appointing an enquiry officer who conducted the enquiry and filed his report which is contained in Ext. M1 enquiry file. Accepting the finding entered into by the enquiry officer, the delinquent was dismissed from service. The enquiry was challenged by the delinquent on the ground that it was only perfunctory enquiry and he was not given opportunity of being heard and the dismissal of the workman on the basis of the enquiry report is illegal and abinitio void.

8. The enquiry officer was examined as MW1, who would depose that the notice of enquiry was given to the delinquent and in response to the notice he appeared before the enquiry officer, but he did not participate in the enquiry. Therefore the enquiry officer was constrained to conduct an ex parte enquiry. He filed his report with a finding that the delinquent was guilty of the charges. It can be seen from the testimony of MW1 and Ext. M1 file that the delinquent was given sufficient opportunity of being heard and he was also given chance to make out his defence effectively before the enquiry officer. But he did not participate in the enquiry and he has not cross-examined the witnesses of the Management and therefore the testimony of the witnesses of the management stand unchallenged. In view of the fact that the workman was given sufficient opportunity of being heard and the domestic enquiry officer has conducted the enquiry in conformity with the principles of natural justice and the delinquent refused to participate in the enquiry without sufficient reason, I hold that the enquiry conducted by the enquiry officer is legal and proper.

9. Concerning the findings, the Enquiry Officer has relied on the testimony of PWs. 1 to 12 and Exts. P1 to P43. The testimony of PWs. 1 to 12 and the exhibits produced by the Management for substantiating the case of the Management stand unchallenged. Therefore, there is no reason to disbelieve the version of these witnesses and to discard these exhibits to prove the guilt of the delinquent. In these circumstances, I hold that the domestic enquiry officer has entered his finding relying on the legal evidence and there is no need of interference with the finding entered into by the enquiry officer.

10. In the result it is hereby ordered that there was a proper and valid domestic enquiry and that the findings of the enquiry officer are also legal and correct."

III The question remains to be considered is regarding the propriety and legality of the punishment imposed on the delinquent. The punishment imposed is dismissal. The

misconducts proved against the delinquent are misappropriation and unauthorised absence. The misconducts committed by the delinquent appear to be serious. No extenuating circumstance is proved by the delinquent to award a lesser punishment. In these state of affairs the employee is not entitled to any relief in the matter of punishment. I find no reason why any relief should be granted to Shri C. F. Xavier by invoking the discretion vested in me under Section 11-A of the Industrial Disputes Act. In the result an award is passed confirming the dismissal of Shri C. F. Xavier. Shri Xavier is not entitled to any relief.

Ernakulam,
5-12-1989.

R. RAVEENDRAN, Presiding Officer

[No. L-12012/588/86-D.II(A)]

Appendix

Witness examined on the Management's side :

MW1 Shri O. Chandrasekharan.

Witness examined on the workman's side :

WW1 Shri Xavier.

Exhibit marked on the Management's side :

Ext. M1. The file relating to the domestic enquiry conducted against Shri C. F. Xavier.

R. RAVEENDRAN, Presiding Officer.

नई दिल्ली, 21 दिसम्बर, 1989

का. प्र. 134 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अधुषण से, केन्द्रीय सरकार बैंक ऑफ कोचीन लि., कोचीन, अब भारतीय स्टेट बैंक में विलय हो गया है, के प्रबन्धन से सम्बद्ध निवेदकों और उनके वर्गजनों के बीच, दायित्व में निहित औद्योगिक विवाद में श्रम सम्बन्ध, वर्गीकरण, के तबयत का प्रकाशित करने हेतु, जो केन्द्रीय सरकार को 20 दिसम्बर, 1989 का प्राप्त हुआ था।

New Delhi, the 21st December, 1989

S.O. 134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Labour Court Ernakulam as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Cochin Ltd., Cochin, now amalgamated with the State Bank of India and their workmen, which was received by the Central Government on 20th December, 1989.

New Delhi, the 21st December, 1989

ANNEXURE

IN THE LABOUR COURT, ERNAKULAM

Tuesday, the 5th day of December, 1989

PRESIDENT :

Shri R. Raveendran, B.A. B.L., Presiding Officer.

Industrial Dispute No. 81 of 1987 (C)

BETWEEN

The Management of State Bank of India, represented by the Chief Regional Manager, State Bank of India, Regional Office, Ernakulam, Cochin-682031.

AND

Their workman Smt. J. Sreedevi Amma, Door No. X1/2053, Kaloor Pattuparambil House, Cochin-682017.

REPRESENTATIONS :

Shri B. S. Krishnan, Advocate, Ernakulam—For Management.

Shri M. Ramachandran, Advocate, Cochin-17—For Workman.

AWARD

The Industrial Dispute between the above parties was referred to this Court for adjudication by the Government of India, Ministry of Labour, New Delhi as per Order No. L-12012/474/86-II(A) dated 7th August, 1987. The issue covered by the Order of reference is the following :—

“Whether the action of the management of Bank of Cochin Limited, Cochin, Kerala (amalgamated with the State Bank of India) in dismissing from service Smt. J. Sreedevi Amma, Typist w.e.f. 8th December, 1984 on the ground that she submitted a false date of birth at the time of her appointment in the Bank, is justified? If not, to what relief is the workman entitled?”

II. Smt. Sreedevi Amma was dismissed by the Management in a disciplinary proceedings initiated against her. There was a domestic enquiry into the charge. She was found guilty by the Enquiry Officer. The dismissal followed on the basis of that findings.

III. The validity of the domestic enquiry was tried as a preliminary issue. I have found in my order dated 7th November, 1989 that was a valid domestic enquiry. I also confirmed the findings of the Enquiry Officer. Facts necessary for the disposal of the case have been narrated in the preliminary order which I am extracting hereunder so as to make it a part of this award :—

“PRELIMINARY ORDER

The issue referred for adjudication to this Court by the Government of India, Ministry of Labour, New Delhi as per their order No. L-12012/474/86-D.II(A) dated 7th August, 1987 is the following :—

“Whether the action of the management of Bank of Cochin Limited, Cochin, Kerala (amalgamated with the State Bank of India) in dismissing from service Smt. J. Sreedevi Amma, Typist w.e.f. 8th December, 1984 on the ground that she submitted a false date of birth at the time of her appointment in the Bank, is justified? If not, to what relief is the workman entitled?”

2. The workman has filed a claim statement stating as follows :—

She had joined the erstwhile Bank of Cochin Ltd., as a Typist during the year 1978. In her application dated 28th September, 1978 she had shown her correct age as 30. Her date of birth as per records is 4th January, 1947 and the age shown was true and correct. Thereafter she had worked uninterruptedly and subsequently she had been directed to make an application in the Banks prescribed form. Unfortunately in compelling circumstances she had shown her date of birth as 4th January, 1952 in the form. When she had been directed to furnish proof as regards the discrepancy, she had produced her SSLC book. The Bank had chosen to proceed in the matter by way of disciplinary action, had held a formal domestic enquiry and had dismissed her from service on 8th December, 1984. An appeal filed by her had initially been rejected. When she had applied for a review, the Board had resolved to reinstate her in service. But by the time, moratorium of Bank of Cochin Ltd., had been brought about and the decision was not implemented. The punishment of dismissal was totally unwarranted. She had no intention to make any unlawful gains and had been forced to make a declaration practically against her wish. She was misled to give a different date as she was inexperienced and did not want to lose her job as she had already been appointed

as a typist while giving the formal application. The submission of an incorrect age may not be treated as an act involving moral turpitude on the peculiar facts and circumstances of the case. For the purpose of her records and service her correct age alone may be taken into consideration.

3. The Management has filed a counter statement contending as follows :—

Smt. J. Sreedevi Amma applied on 28th September, 1978 for the post of a Typist-Clerk to the erstwhile Bank of Cochin. In the application, her age was stated to be 30 years as on the date of the application. The Bank considered her application and she was appointed as a temporary Typist-Clerk on a monthly consolidated pay of Rs. 250 for a period of three months with effect from 16th October, 1978. Subsequently she has applied for regular appointment in the Bank's prescribed form. In the said application she had given her date of birth as 4th January, 1952, showing her age as 26-1/2 years. This age was different from the age which she declared in her earlier application. On the basis of the above application, she was appointed as a probationary typist-clerk on regular basis with effect from 2nd February, 1979. On verification of her personal file, it has come to the notice of the management of the Bank of Cochin that there was discrepancy in her date of birth. She was asked to submit an explanation vide memo dated 15th December, 1983. Her explanation was not satisfactory. So a domestic enquiry was conducted by Advocate Shri C. T. Joseph. The enquiry officer had conducted the enquiry in compliance with the principles of natural justice. He has found the worker concerned guilty of furnishing false date of birth to the Bank at the time of her appointment. Accepting the report of the enquiry officer the worker was dismissed from service with effect from 8th December, 1984. Her appeal petition to the Board of Directors was considered by the Board and the same was dismissed by their order dated 15th February, 1985. The averment of the workman that the Board has reviewed the matter and resolved to reinstate her in service is not fully correct. The Board of Directors had permitted the Chairman to appoint Smt. J. Sreedevi Amma only as a fresh recruit if she applies with all correct details. Before initiating any steps for appointing Smt. Sreedevi Amma in the erstwhile Bank of Cochin, Central Government declared moratorium on the Bank on 27th April, 1985. The dismissal is not liable to be set aside.

4. The workman has filed a rejoinder reiterating her claims in the claim statement and refuting the contentions in the counter statement filed by the Management.

5. The points that arise for consideration are whether the domestic enquiry conducted against the delinquent is legal and proper and whether the findings entered into by the Enquiry Officer are supported by legal evidence.

6. For the Management MW1 was examined and Ext. W1 was marked.

7. The delinquent workman was a Typist-Clerk in the erstwhile Bank of Cochin. While she was working in the Bank as such a memo of charge was issued to her alleging the misconduct of furnishing incorrect date of birth in the application submitted by her for appointment. She submitted her explanation stating that her date of birth is 4th January, 1947. But by mistake it was stated in the form prescribed by the Bank as 4th January, 1952 and she further stated that her correct age is 30. Not satisfied with the explanation submitted by the delinquent the Management ordered to conduct an enquiry by appointing an enquiry officer who conducted the enquiry and submitted his report as is evidenced by Ext. M1 file. It can be seen from Ext. M1 that the delinquent was given sufficient opportunity to participate in the enquiry and she has cross-examined the witnesses of the Management. She has also put her signature in the proceedings. Furthermore,

she has not raised any material contention in the claim statement challenging the domestic enquiry. On perusal of the testimony of MW1, the Enquiry Officer and Ext. M1 file it can be seen that the delinquent was given sufficient opportunity of being heard and she has participated in the enquiry effectively and earnestly and the enquiry officer has conducted the enquiry adhering to all the principles of natural justice. Hence I hold that the enquiry conducted by the enquiry officer is legal and proper.

8. The next question to be considered is whether the findings entered into by the enquiry officer are supported by legal evidence. It is to be noted that as per page 3 of the S.S.L.C. book of delinquent the date of birth is 4th January, 1947. But in the copy of the same page submitted by the delinquent duly attested by her, which is marked as Ext. M5 in the enquiry, the date of birth shown is 4th January, 1952. Therefore the charge against the delinquent that she has furnished false date of birth is proved by Ext. M6 S.S.L.C. book of Smt. Sreedevi Amma and Exts. M3 to M5 marked in the enquiry. Moreover, the fact that she has furnished the date of birth incorrectly is not disputed by the delinquent herself. But it is found by the enquiry officer that her showing a wrong date of birth does not appear to have any nexus with her securing the job as she was already appointed as a temporary typist-clerk even when she submitted Ext. M1 application. It is further stated in the report that suffice to say that he was of the view that her submitting the wrong date of birth was not with any fraudulent intention. Then the enquiry officer entered a finding that Smt. J. Sreedevi Amma submitted wrong information with respect to her date of birth in her prescribed application form and that it was done by her not with any fraudulent motive and therefore he found that she is partly guilty of the misconduct alleged against her. This finding has been entered by the enquiry officer relying on the legal and proper evidence. Hence I hold that there is no necessity to interfere with the finding of the enquiry officer and that the finding of the enquiry officer is supported by legal evidence and the same is not perverse.

9. In the result it is hereby found that there was a proper and valid domestic enquiry and that the finding of the Enquiry Officer is also correct."

IV. The question remains to be considered is the propriety and legality of the punishment imposed on the delinquent. The punishment imposed is dismissal from service. The misconduct proved against the delinquent is that she furnished incorrect date of birth in the application submitted by her for appointment. Her actual date of birth is 4th January, 1947. But she stated in the form prescribed by the Bank as 4th January, 1952. She has admitted the fact of furnishing incorrect date of birth in the form prescribed by the Bank. But her explanation is that it was done not wilfully, but in compelling circumstances she stated her date of birth as 4th January, 1952 in the form. It is pertinent to note that when the employee Smt. Sreedevi Amma joined the erstwhile Bank of Cochin in 1978 she had shown her correct age as 30 in her application. It is also pertinent to note that the enquiry officer in his report has stated that her showing a wrong date of birth does not appear to have any nexus with her securing the job as she was already appointed as a temporary typist-clerk when she submitted Ext. M1 application. The finding of the Enquiry Officer is that the act of furnishing incorrect date of birth was done by her not with any fraudulent motive and so she is partly guilty of the misconduct alleged against her. Taking into consideration of all facts and circumstances of the case, I hold that justice will be met if Smt. J. Sreedevi Amma is reinstated in service treating her date of birth as 4th January, 1947, without any back wages and without continuity of service and other attendant benefits, but granting the benefit of continuity of service only for the limited purpose of gratuity or retrenchment compensation as the case may be and not for any other purpose.

V. In the result an award is passed directing the Management to reinstate the employee Smt. J. Sreedevi Amma in service treating her date of birth as 4th January, 1947, without any back wages, without continuity of service and attendant benefits, but granting the benefit of continuity of ser-

vice only for the limited purpose of gratuity or retrenchment compensation as the case may be and not for any other purpose.

R. RAVEENDRAN, Presiding Officer
[No. L-12012/474/86 D II(A)]

Ernakulam,
5-12-1989.

S. C. SHARMA, Desk Officer

APPENDIX

Witness examined on the Management's side :

MWI—Shri C. T. Joseph.

Exhibit marked on the Management's side

Ext. M1—The file relating to the domestic enquiry conducted against Smt. J. Sreedevi Amma.

New Delhi, the 21st December, 1989

R. RAVEENDRAN, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1989

का.आ. 135:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार उत्तर रेलवे, लखनऊ के प्रबंधन के सम्बद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार का 19-12-89 को प्राप्त हुआ था।

New Delhi, the 21st December, 1989

S.O. 135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 19-12-1989.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 18 of 1987

In the matter of dispute between :

The Senior Divisional Mechanical Engineer,
Northern Railway,
Lucknow.

AND

Shri B. D. Tewari,
Zonal Working President,
Uttar Railway Karamchhari Union.
96/196, Roshan Bajaj Lane,
Ganesh Ganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41012/55/85-D.II(B) dated 2-1-1987 has made the following reference for adjudication to this Tribunal :

Whether the action of the Senior Divisional Mechanical Engineer, Northern Railway, Hazratganj, Lucknow, in terminating the services of Shri Mohd. Ishtiyag, Fitter Khalasi, Loco Shed, Lucknow from service w.e.f. 4-9-81 is legal and justified? If not to what relief Shri Mohd. Ishtiyag is entitled to?

2. The industrial dispute on behalf of the workman Shri Mohd. Ishtiyag has been raised by Shri B. D. Tewari, Zonal Working President, Uttar Railway Karamchhari Union (hereinafter referred to as Union for the sake of brevity), Lucknow.

3. The case set up by the Union, on behalf of the workman is that the workman was first recruited on 1-4-78 and he worked upto 30-6-79 under Assistant Traction Foreman, Kanpur. Thereafter, he was again recruited on 5-9-80 under Loco Foreman, Northern Railway, Lucknow and he worked there upto 4-9-81 and w.e.f. 5-9-81, his services were abruptly terminated without notice, notice pay and retrenchment compensation. The Union has, therefore, prayed that the workman be reinstated in service with full back wages and all consequential benefits.

4. The case is contested by the Railway Administration. The management plead that the alleged workman had never worked in the DRM Lucknow or in any office subordinate to DRM, during the period 1-4-78 to 30-6-79. The alleged workman fraudulently entered into railway service as a casual labour under Loco Foreman, Lucknow in 1980. He was never engaged by any competent authority as such his engagement was void ab initio. On inquiry it transpired that some of the railway staff committed fraud against the railway administration by engaging 2000 casual labour against a total strength of 1500 and robbed the railway administration of crores of rupees by way of wages. When the fraud was detected all such casual labour found working in Loco Shed were discharged w.e.f. 4-10-81 by the then Sr. D.M.E., Lucknow. Moreover, since 1978, the Railway Board had imposed a total ban on recruitment of casual labour and no authority is empowered to recruit any casual labour in Loco Shed, Lucknow. Since the engagement of all the casual labour including workman in question was obtained by fraud, the workman is not entitled to any relief under the provisions of I.D. Act. This being so, the compliance of section 25F, was not at all necessary. The management further plead that under the provisions of I.D. Act, the alleged Zonal Working President has got no legal right to raise any industrial dispute before the ALC(C), or to file claim statement on behalf of any such Union.

5. In the rejoinder, the Union alleges that Traction Foreman, Kanpur, is not under the Divisional Railway Manager. The Union denies that the workman entered into service as a casual labour under Loco Foreman, Lucknow fraudulently. The Union further alleges that inspite of ban on recruitment of casual labour, the railway administration recruited thousands of worker in Operating, Mechanical and Engineering Departments. The statutory provisions is that once a workman completes more than 240 days working he is protected by section 25F I.D. Act. The reference is valid in law. Rule 58 of the I.D. (Central) Rules, 1957, authorises the president, the Secretary and other office bearers of a trade union to sign, the clear statement.

6. In support of its case, the Union has filed the affidavit of the workman and a few documents. On the other hand, the management have filed the affidavit of Shri S. H. Raza, Asstt. Supdt., Loco Shed, N. R., Lucknow and a few documents.

7. In his affidavit the workman has alleged two new facts. In para 2 of his affidavit he has deposed that he had worked in Loco Shed, Lucknow as Fitter Khalasi under Loco Foreman from 1-8-79 to 4-9-81 continuously. Secondly, in para 4 of his affidavit he has deposed that hundreds of men were taken back on 4-8-83, and they were junior to him.

8. The case of the Union is that his second recruitment under Loco Foreman, Northern Railway, Lucknow was from 5-9-80. It is nowhere stated either in the claim statement or in the rejoinder that his recruitment/engagement under Loco Foreman, Northern Railway, Lucknow commenced on 1-8-79.

9. To prove the fact deposed in para 2 of his affidavit the Union filed with his application dt. 4-10-88, two documents one of which purports to be the photostat copy of the certificate dt. 12-10-81 issued by Loco Foreman, Northern Railway, Lucknow. The certificate is to the effect that Mohd. Ishtiyag had worked in the Loco Shed, Northern Railway,

Lucknow as a Fitter Khalasi from 1-8-79 to 30-8-80 continuously. Shri Tewari, the Zonal Working President, tried to get the certificate proved from the workman in his examination in chief. But in his cross-examination he has made certain statement which casts doubt about the genuineness of this certificate. The workman states that this certificate was given to him by the helper of Shri Lal Bahadur Singh Time Office Clerk. This certificate was not prepared in his presence. He is unable to say as to whose signatures appear on it. According to him he did not inquire from the helper as to whose signature this certificate bears. Thus this certificate remains unproved. There is no other documentary evidence to prove the facts deposed to by the workman in para 2 of his affidavit. He could have filed the casual labour card but according to him no casual labour card was issued to him. This does not appeal to mind. Similarly no reliance can be placed on the facts deposed to by the workman in para 4 of his affidavit in view of the facts that no such plea has been raised by the Union on his behalf either in the claim statement or in the rejoinder. In para 9 of his statement in cross examination he has deposed that after termination of his services one Banwari and several other persons whose names he does not remember were recruited by Railway. Just after it he has deposed that he does not know when all these persons had joined railway service for the first time. Therefore in view of his ignorance even the plea raised by him in para 4 of his affidavit becomes meaningless and he gets no benefit out of it.

10. To me whole of the workman's case smacks of fraud and suspicion. In the claim statement it is alleged by the Union that the workman was recruited first on 1-4-78 and he worked under Assistant Traction Foreman, Kanpur upto 30-6-79. However, in para 6 of his statement in cross-examination, the workman has deposed that he had never worked under Railway before 1-8-89.

11. The Union, though its Zonal President filed two documents one of which happens to be the photostat copy of transfer certificate dt. 31-8-82 issued by the Principal of Bappa Shri Narain Vocational Intermediate College, Lucknow. In it the date of birth of the workman Mohd. Ishtiyaq is shown as 10-3-64. It means that on 1-4-79 when he is alleged to have been recruited in the office of Assistant Traction Foreman he was only 14 years old. Then vide facts deposed to by the workman in para 2 of his affidavit it will be evident that after he had left working under Assistant Traction Foreman he was engaged as Fitter Khalasi under Loco Foreman, Lucknow on 1-8-79. It follows therefore, that at the time of his second engagement he was only of 15 years 4 months and some days old. How he could get service when he was less than 18 years of age in a Government run Railway is not understood. It remains a mystery. When this fact was pointed out by Shri Ravi Jauhari, C.L.A. during the course of his arguments, Shri Tewari, could not meet out it. The workman has deposed in his cross-examination that his father who was a boiler maker retired from railway service about 10 years ago. His father gave the application for service in the railway on his behalf after obtaining his signatures on an application form. Thereafter, he found his name appeared in the list of selected candidates. He admits that he was never interviewed either before the appearance of his name in the list of selected candidates or during the period of his service. Even no test was held during the period of his service. Thus in the backgrounds of the facts already stated these facts are taken into consideration they throw doubt about the genuineness of his appointment.

12. The management have filed circulars of the Railway Board on the date of arguments existence of which is not even challenged by Shri Tewari. It is pertinent to note that in para 6 of the rejoinder, the Union itself has alleged that in spite of ban on casual labour the Railway Administration recruited thousands of casual labours. The first one is Printed SI No. 6963, No. 220E/190-X (F-iv) dt. 20-3-78, and the second is Printed SI. No. 7715-A No. 220-E/190-XI dated 3-1-1981. Under the first circular fresh recruitment of casual labours could be made only under the personal orders of Divisional Superintendent and under the second circular it could be made only with the prior approval of the General Manager.

13. Shri Tewari submits that if officers of the Rly. violated these circulars, the railway administration should punish them and not the poor workman. No doubt the Railway Administration should take disciplinary action against such erring officers but appointments made by them cannot be held as valid and they will remain void ab initio. Being void ab initio no benefits even in respect of the alleged work done can accrue to a workman.

14. Shri Tewari has tried to much capital out of the cross-examination of the management witness but I think the workman does not get any benefit out of it. He has stated that on the basis of the computerised list he says that the workman had worked for 41 days only. He admits that the computerised list was not prepared in his presence. He also admits that he has not certified the working days of the workman from any other source. Whatever might be the lacunas in his statement one thing is crystal clear that the workman from any other source. Whatever might be scandle and being a party to it he cannot get any benefit of it. As already stated the appointment of the workman was void ab initio.

15. Hence the termination of his services cannot be held as illegal or unjustified.

16. Reference is decided against the Union/Workman

ARJAN DEV, Presiding Officer

[No. L-41012/55/85-D.II(B)]

नई दिल्ली, 22 दिसम्बर, 1989

सं. प्र. 136 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अध्वक्षण में केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे, लखनऊ के प्रवक्ताओं के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अन्वय में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-89 को प्राप्त हुआ था।

New Delhi, the 22nd December, 1989

S.O. 136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Railway, Lucknow and their workmen, which was received by the Central Government on 19-12-1989.

ANNEXURE

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
DFOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 125 of 1988

In the matter of dispute between :

The General Secretary, Purvottar Railway Shramik
Sangh 6, Naveen Market, Kaisarbagh, Lucknow,
U.P.

AND

The Sr. Divisional Personnel Officer, North Eastern Railway,
Lucknow, U.P.

AWARD

1. The Central Government, Ministry of Labour vide its Notification No. L-41012/69/87-D.II (B), dated 30-9-88, has made the following reference for adjudication to this Tribunal :

Whether Sr. Divisional Personnel Officer, North Eastern Railway Lucknow was justified in terminating the services of Shri Hem Nath S/o Shri Sheo Balak Khalasi under PW-1 Lakhimpur w.e.f. 16-5-85 ?

If not, to what relief the concerned workman is entitled ?

2. The Industrial Dispute on behalf of the workman has been raised by Purvottar Railway Shramik Sangh, Lucknow (hereinafter referred to as Union).

3. The case of the Union is that the workman had worked as casual labour under PW-1 North Eastern Railway Lakhimpur from 10-6-76 to 15-5-85. During the period 16-5-84 to 15-5-85 he had worked for more than 240 days. His services were terminated illegally w.e.f. 16-5-85, without payment of retrenchment compensation. At the time of termination of his services persons junior to the workman were allowed to continue working. The Union has, therefore, prayed that after setting aside the illegal order of termination the workman be reinstated with full back wages w.e.f. 16-5-85.

4. The management while admitting the fact that the workman was appointed as casual labour on 10-6-76, plead that he was put to work against day to day casualties as and when casualties occurred. There was no continuous employment of the workman as alleged by the Union. The management, dispute the fact that the workman had worked for more than 240 days during the period 16-5-84 to 15-5-85. In fact the workman reported for duty for the last time on 15-5-85. Thereafter, he absented himself for a continuous period of 7 days or more which rendered his name to be automatically struck off from the rolls. However, by way of abandoned caution the management sent a letter dated 5-9-85 to the workman informing him that he was no longer in service. Despite service of the said letter the workman never attended the office nor submitted any representation explaining his absence w.e.f. 16-5-85. This showed that he was not interested in the service of the Railway Administration and had left the same of his own accord. It was for the first time that for the purposes of raising dispute, the workman made an application on 28-1-87, through the Union and that too unrecognised, alleging that he had been illegally removed from service w.e.f. 31-3-85. It was on the basis of the said allegation that the present case has been referred for adjudication. On the other hand, the management had completely denied that he was removed from service on 31-3-85, rather the management categorically asserted that the workman was put to work on 15-5-85. Therefore, the present case is not maintainable in view of the fact that the notice given in form L stood satisfied after it was held that the workman was not removed on 31-3-85. Having absented himself from 16-5-85 onwards, in the present case, the provisions of section 25 I. D. Act, are attracted at all. The management also plead that the dispute referred to the Tribunal is barred by laches of the workman. Lastly, the management plead that Shri B. D. Tewari, is not competent to represent the workman neither he could raise an industrial dispute on his behalf nor he could conduct the case on his behalf.

5. In the rejoinder, the Union admits receipt of notice dated 5-9-85 by the workman. The Union alleges that upon receipt of the said notice, the workman went to report for duty, but he was not given any duty. The Union denies that it was a case of wilful absenteeism of service by the workman. In the casual labour card, no entry appears after 31-3-85. It was on account of the plea raised by the Rly. Administration that the workman had worked upto 15-5-85 and that in the reference order the date of termination was given as w.e.f. 16-5-85.

6. In support of its case the Union has filed the affidavit of the workman and a few documents and on the other hand the management in support of their case have filed the affidavit of Shri K. R. Yadav A. E. and a few documents.

7. On 16-10-89, the Union filed original casual labour card of the workman. Earlier it has filed the photostat copy of the said casual labour card. From the entries appearing in the casual labour card from 1-7-84 to 15-5-84 it is evident that prior to the said period workman had worked for 247 days. Prior to 1-7-84, there is an entry of the period 1-1-1984 to 30-6-84 showing that during the said period the workman had worked for 73 days. There is no documentary evidence from the side of the management to contradict these entries.

In his cross examination, the management witness has expressed his ignorance about the number of days the workman had worked during the period 16-5-84 to 15-5-85.

8. It is also admitted by the management witness that before, sending notice dated 5-9-85, no notice/notice pay and retrenchment compensation was paid to the workman. Therefore, prima facie, the management appears to have committed breach of the provisions of section 25 I. D. Act. But in the present case, the management has set up a case that the workman had reported for duty for the last time on 15-5-85 and thereafter he absented himself. Even when no notice was necessary, a notice was given to the workman on 15-9-85 but despite its receipt the workman never reported for duty nor replied the notice stating the circumstances under which he was prevented from reporting for duty on 16-5-85 and thereafter.

9. The management has corroborated their above defence by means of the affidavit of the management witness. Annexure I to the affidavit of management witness is the copy of notice dated 5-9-85. It appears that the notice was given under rules 732 of Railway Establishment Code Vol. I. In it it was stated that because of his absence for 90 days, he ceased to be a railway employee. Although the receipt of the above notice dated 5-9-85, has been admitted by the Union in para 5 of its rejoinder, the workman in his cross examination has denied its receipt. According to him after about 3 months of his removal from service, his signatures were obtained on a paper in the office of the railway, on which it was written that he had not been reporting for duty for the last 90 days. The workman says that it was incorrect that he had been going on duty every day.

10. The statement made by the workman is not worthy of credence. It is not the case of the Union that even after 15-5-85, the workman had been going to the office regularly. This fact is not even found stated in the workman's affidavit. Rather in para 5 of his rejoinder it is stated that after receipt of the notice, the workman went to report for duty but he was not given duty. Annexure V to the affidavit of the management witness is the rejoinder filed by the Union, on behalf of the workman before ALC (C) Lucknow. It is dated 8-6-87, and in it it was alleged that the workman was removed from the service from 16-3-85, which is not now the case of the Union. Rather entries in the casual Labour Cards also go to show that the workman had worked upto 15-5-85. Annexure III to the affidavit of the management witness is the copy of muster roll, of the period 16-4-85 to 15-5-85. Entries in the muster rolls also corroborate the above fact.

11. In his cross examination, the workman has admitted that after the receipt of notice dated 5-9-85, he did not make any complaint to any officer of the Railway. A little further in his cross examination he has deposed that during the period 16-5-85 to 28-1-87 he never made any application to the Railway Administration for obtaining service. According to him after receipt of notice he referred the matter to the Union. It is not known when he made any such complaint to the Union against the Railway management.

12. Man may lie but circumstances do not. Had he been going regularly for duty after 15-5-85, he would have surely replied the notice disputing his absence for more than 90 days. Further had he gone to report for duty after service of notice dated 5-9-85 he would have surely written to the Railway Administration about his having gone to report for duty after notice. This fact that in the rejoinder before the ALC Central it was alleged on his behalf, that he had been removed from service w.e.f. 16-3-85 shows that when he brought the matter to the notice of the Union, he was not knowing as to till what date he had actually worked. Another fact stated by the workman in his cross examination is that the Union raised the industrial dispute before ALC (C) on his behalf in 1987. His long silence without refuting the facts stated in the notice dated 5-9-85 goes to show that in all probability on account of his being more usefully employed elsewhere he absented himself from 16-5-85 on wards without informing the Railway Administration. In the circumstances it would be proper to draw the inference that he had himself left the service of the railway and I hold so. In such an event the question of compliance of section 25-F, 25-G and 25-H I. D. Act does not arise at all.

13. Accordingly it is held that the action of the Sr. D.P.O. N.E.R. Lucknow in terminating the services of the workman w.e.f. 16-5-85, was quite justified and the workman is entitled to no relief. But looking to the fact that he began his service in the Railway as back as on 10-6-76, although not continuously, and the fact that he had worked for more than 240 days within the meaning of section 25-B during the period of 12 months preceeding 16-5-85. It is hoped that the Rly. Administration will take a compassionate view in his case and may permit him to work as a casual labour on the same terms on which he was working on 15-5-85.

14. Reference is answered accordingly.

ARJAN DEV, Presiding Officer
[No. L-41012/69/87-D.II (B)]

का.प्र. 137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे, लखनऊ के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-89 को प्राप्त हुआ था।

S.O. 137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen which was received by the Central Government on 19-12-89.

ANNEXURE

BEFORE SHRI ARJAN DEV MAHAJAN, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

I. D. No. 127 of 1989

In the matter of dispute between :

The Divisional Mechanical Engineer (Power) Uttar Railway, Lucknow.

AND

The Zonal Working President U.R.K.U. 96/196 Roshan Bajaj Lane Ganesh Ganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour vide its Notification No. L-41012/131/87-D.II (B) dated 22-5-89 has referred the following dispute for adjudication to this Tribunal :

Whether the Divisional Mechanical Engineer (Power) Northern Railway Lucknow was justified in transferring Shri R. K. Mishra clerk w.e.f. 12-5-87 from Loco Shed Lucknow to Loco Shed Varanasi ? If not, to what relief the workman is entitled to ?

2. The industrial dispute in this case has been raised by the Zonal Working President Uttar Railway Karamchhari Union Lucknow. Today Shri B. D. Tewari, in his capacity as Zonal Working President of the above said Union has moved an application alleging that the Railway Administration had already withdrawn the transfer order and had posted the workman in the office of DRM. Thus in view of the application moved by the Union there remains no dispute with the management and the reference has thus become infructuous.

3. I, therefore, hold that the reference has become infructuous and give my award accordingly.

ARJAN DEV, Presiding Officer
[No. L-41012/131/87-D.II (B)]

का.प्र. 138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निम्नित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 19-12-89 को प्राप्त हुआ था।

S.O. 138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workmen, which was received by the Central Government on 19-12-89.

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 103 of 1988

In the matter of dispute between :

Sr. D.O.S. Northern Railway Lucknow.

AND

Zonal Working President Uttar Railway Karamchhari Union, 96/196, Roshan Bajaj Lane Ganesh Ganj, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-41012/129/87-D.II (B) dated 22-7-88 has referred the following dispute to this Tribunal for adjudication :

Kya Senior Dos Uttar Railway Lucknow Shri Ved Prakash Supta Shri Kuliya Ki Porter Ke Roop Me 16-7-86 Se Sevayen Sampit Karna Nyayochij Tha Yadi Nahi to Karamkar Kis Anutosh Ka Hakdar Hai ?

2. The Industrial Dispute on behalf of the workman has been raised by the Zonal Working President of Uttar Railway Karamchhari Union (hereinafter referred to as Union). The case of the Union in short is that the workman was appointed as porter at Piparsand Railway Station District Lucknow on 22-9-82. His services were terminated by the management without notice/notice pay and retrenchment compensation from 15-7-86. The workman had worked for 1161 days upto 14-2-86. He had even continued working thereafter upto 15-7-88 (A.M.). The Union further alleges that the workman had completed more than 240 days working in each year of his service. According to the Union there was a motive for the illegal termination of the services of the workman. On the night between 10/11-7-86, the duty hours of the workman were from 6 p.m. to 6 a.m. at Piparsand Railway Station. Due to incessant rains and fast blowing wind, the down side outer and Warner signal had extinguished. The A.S.M. on duty therefore, sent him to light the signal at 3.55 a.m. He came back after lighting the signal at 4.30 a.m. In the mean while 165 UP train arrived at Piparsand Railway Station. The ASM on duty then issued OPT-373 No. 772024 at 4.35 a.m. to the workman who on its receipt went to the Driver of the Train, who on the receipt of the portion of OPT-373 put the time as 4.40 a.m. Thereafter, the workman went to the starter signal to exchange Green Signal with the Driver according to Rules. The train passed the starter signal at 4.55 a.m. On that the Sr. DOS by means of memo dated 16-7-86, copy annexure I terminated the services of the workman. The termination thus has stigma attached to it. It cannot be termed as termination simplicitor. Since the principles of natural justice have not been followed while terminating the services of the workman, the termination is bad in law and the workman is entitled to reinstatement with full back wages..

3. The management in defence while admitting that the workman was working as Substitute Porter at Piparsand Railway Station plead that he was never engaged by a competent authority as a Substitute porter. After termination of the services of the workman on inquiry it was revealed that the workman had entered into the railway service fraudulently. There was a total ban imposed on the engagement of casual labour/substitutes in the railways except with the prior approval of the General Manager vide circular No. 22 O-E/190-XI dated 3-1-81. The inquiry further revealed that a number of persons including the workman with the connivance of the subordinate staff got their names fraudulently registered in the muster roll and illegally received the wages from the Railway Administration. The vigilance department of the Railway are conducting inquiry in this regard which as not yet been finalised. The management further pleads that the Union is neither a recognised Union nor a registered one. Moreover under the provisions of I. D. Act, 1947, the alleged Zonal Working President is not legally entitled to do any settlement before ALC (C) in conciliation proceedings nor he has any right to raise any industrial dispute under the Act. Lastly, the management plea that due to heavy rains and fast blowing winds the down side signal of POP Station got extinguished at the time of 165 DN Express. The workman who was on duty at that time was asked by ASM on duty to go and lit up the signal but he refused to comply with the orders of the ASM. The result was that the train 165 Down suffered 15 minutes detention at Piparsand Railway Station. The matter was referred by the ASM to the competent authority whereupon the workman was placed under suspension on 13-7-86. Firstly the competent authority i.e. Sr. D.O.S. Lucknow terminated his services on and from 15-7-86.

4. The Union has filed rejoinder but in the rejoinder no new fact has been alleged.

5. In support of its case the Union has filed the affidavit of the workman and a few documents. On the other hand, in support of their case, the management have filed the affidavit of Shri S. D. Sharma, Suptd. D.R.M. Office and a few documents.

6. The basic point involved in this case is whether or not the workman was validly appointed. In this connection it will be relevant to refer to some of the statements made by the workman in his cross examination. He says that one clerk by the name of Shri Ram Sukh whom he knew from before informed him that vacancies in the Scheduled Caste Quota existed and that if he made an application, his work could be done. On that he made an application, the copy of which is not presently possessed by him. He admits that in connection with his appointment no officer of the railway ever interviewed him. He was given a memo for his medical examination by the said clerk whom he had paid Rs. 600 or 700 for the above job. Even the appointment letter, according to him was delivered to him by Shri Ram Sukh Clerk. Towards the end he was admitted that Shri Ram Sukh clerk has been removed from service. Of course he has expressed his ignorance on the point as to for what reason he had been removed from service.

7. I may state here that in paras 2, 4, 5 and 6 the workman has referred to a few documents which as per facts stated in them have been annexed to the affidavit but actually only the document referred to in para 5 is found annexed with the affidavit and no other document is found filed with the affidavit. Annexure II referred to in para 4 of the affidavit was filed by the Union while the workman was in the witness box. This is not some thing new in same of the cases conducted by Shri B. D. Tewari, the authorised representative for the Union.

8. Ext. W-1, is the copy of appointment letter dated 15/22-9-82 which purports to have been issued by one Shri R. K. Sen for DRM Lucknow. From the subject it appear that it was a temporary appointment to fill up the short fall in the quota of Scheduled Caste.

9. In para 2 of his affidavit, the management witness Shri S. D. Sharma had deposed that workman had never been

appointed by a competent authority as substitute porter. His appointment was a fraud on the Railway Administration in connivance with Shri Ram Sukh clerk of DRM Office. Then in para 5 of his affidavit he has deposed that after the termination of the workman's service a thorough enquiry was conducted and it was revealed that the workman had entered into railway service fraudulently. He was not engaged by any competent authority.

10. In his cross examination he has admitted that the appointing authority of a substitute is A.P.O. who is a Class II officer. He has further deposed that he cannot say whether the workman was or was not appointed by Shri R. K. Sen Asstt. Operating Superintendent General. According to him although he knows Shri R. K. Sen but he could be the appointing authority of a substitute porter. Another important statement was made by him in his cross examination that he has looked into his records and he has not come across any document showing that the workman was ever appointed by any competent officer of the Railway.

11. Next on behalf of the management reliance has been placed on the circular No. 22-OE/79-O XI dated 3-1-81. This is on the subject of decasualisation of casual labour and in partial modification of railway boards instructions contained in their letter No. E(NG)/77-CL/46 dated 27-2-78 circulated under office letter of even No. dated 22-3-78 (PS No. 6963). From this circular it is evident that power of engagement of casual labour even under the personal orders of the DS now DRM was withdrawn and it was made clear that no fresh casual labour could be recruited without obtaining the prior approval of the General Manager.

12. Thus it becomes clear that appointment letter even if it is believed to have been issued from the office of DRM would not make the appointment of the workman valid. When there was a ban on such appointments there could not have been any appointment without the prior approval of the General Manager. Therefore, the appointment being illegal, it confers on the workman no rights.

13. During the course of his arguments Shri B. D. Tiwari, does not dispute the ban on appointment but according to him if at all the workman was appointed by any incompetent authority there was no fault on his part. He should not suffer for the lapse on the part of a railway officer. In fact the officer who gave him the appointment should have been punished. No doubt it would constitute a lapse on the part of Railway Officer if it is taken that such an appointment letter was in fact issued but that will not render the thing which is invalid a valid one.

14. In view of the law laid down in full Bench Ruling of the Hon'ble High Court of Patna in the case of Rita Mishra Versus Director Primary Education Bihar, 1988 Lab. I. C. 907 no rights accrue to the workman.

15. In the circumstances, it becomes meaningless even if the order of termination is said to carry a stigma. I may also state here that statements made by the workman in his cross examination which have been referred to above clearly go to show that there was something fishy. He could not have got even temporary appointment without any interview. The fact that Shri Ram Sukh took from the workman Rs. 600 or Rs. 700 and the fact that Shri Ram Sukh had been removed from the service caste grave doubts about the genuineness of the appointment. The very appointment being illegal, it cannot be held that the termination of his services is not justified.

16. The reference, therefore, is answered against the Union/workman holding that the workman is entitled to no relief in the light of the discussions made above.

ARJAN DEV, Presiding Officer

[No. L-41012/129/89-D.II (B)]

HARI SINGH, Desk Officer

नई दिल्ली, 22 दिसम्बर, 1989

का.आ. 139:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रिन्डलेज बैंक के प्रबन्धन से सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई के पंचपट को प्रकाशित करती है ।

New Delhi, the 22nd December, 1989

S.O. 139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Court No. 1, Bombay as shown in the annexure, in the industrial dispute between the employers in relation to the management of Grindlays Bank and their workman.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT:

Mr. Justice M. S. Jamdar, Presiding Officer.

Reference No. CGIT-41 of 1988

PARTIES:

Employers in relation to the management of Grindlays Bank

AND

Their workmen.

APPEARANCES:

For the Management—Miss Mohana Subramaniam, Officer.

For the Workmen—Mr. B. W. Vaidya, Advocate.

INDUSTRY : Banking STATE : Maharashtra

Bombay, the 29th day of November, 1988

AWARD

The Central Government in exercise of the powers conferred by clause (d) of sub-section 1 and sub-section 2A of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Grindlays Bank in not paying the special assistant's allowance to Mr. R. F. Pinto, Head Clerk of Mandvi Branch w.c.f. 17-3-86 is justified? If not, to what relief the workman is entitled?"

2. The Management of the Bank did not file any written statement. But, on the date fixed for that purpose filed a memo stating that Mr. Pinto has been paid the money due to him for performing the duties of special assistant and hence the dispute does not survive. The workman admitted that he has been paid the amount which is subject matter of the reference and stated that the reference may be disposed off as settled. In view of this, the reference is disposed off as settled.

M. S. JAMDAR, Presiding Officer

[No. L-12012/36/88-D.IV(A)/IR (B).I]

PADMA VENKATACHALAM, Dy. Secy.

नई दिल्ली 22 दिसम्बर 1989

का.आ. 140:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैमर्स सेंट्रल कोलफील्ड्स लिमिटेड की राजहारा कोलियरी के प्रबन्धन से सम्बद्ध नियोज्जकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (मं. 2) धनबाद के पंचपट को प्रकाशित करती है

New Delhi, the 22nd December, 1989

S.O. 146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Govt. Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Rajhara Colliery of M/s. Central Coalfields Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Reference No. 72 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of Rajhara Colliery of M/s. Central Coalfields Limited,

AND

Their workmen.

APPEARANCES:

On behalf of the workmen—None.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 17th November, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (107)/86-D.IV(B), dated, the 30th January, 1987.

SCHEDULE

"Whether the demand of the Union for review of the age/date of birth of Shri Charitar Dusadh, Pump Khalasi Cat. III, Rajhara Colliery by the management of Rajhara Colliery of Central Coalfields Limited is justified? If so, to what relief the workman is entitled?"

The case of the workmen is that the concerned workman Shri Charitar Dusadh was working as Pump Khalasi continuously from 1954 in Rajhara colliery of M/s. CCL. The actual date of birth of the concerned workman is 2nd January, 1934 but the management wrongly entered the date of his birth in his service book as 1st July, 1927. The concerned workman represented before the management for the change of his date of birth and along with it submitted that in CMPF record his date of birth is recorded as 2nd January, 1934. He also represented before the management to accept his date of birth as mentioned in the School leaving certificate

or to refer his case to the medical board for the determination of his age. The management neither accepted his date of birth as recorded in the school leaving certificate nor referred him to the medical board for determination of his age. Thereafter an industrial dispute was raised by the union of the concerned workman and on failure of conciliation the Government of India, Ministry of Labour referred the dispute to this Tribunal for adjudication.

The case of the management is that the date of birth/age of the concerned workman was not entered in Form B Register along with many other workmen of Rajhara colliery. Unfortunately the said Form B Register is missing and it appears that it has been stolen away by some interested parties. The management contacted the office of the Regional Commissioner, C.M.P.F., Ranchi who maintains the PF account of the workers of Rajhara colliery. The office of the CMPF Ranchi checked their record and furnished in writing to the management the information that the date of birth of the concerned workman was recorded as 1st July, 1927 in the C.M.P.F. record. The same date of birth of the concerned workman is recorded on the first page of his service sheet over which the concerned workman gave his LTI as well as signature. The age of superannuation for the workmen of the management is 60 years. The concerned workman was superannuated with effect from 1st July, 1987 when he attained the age of 60 years from 1st July, 1927. On the above facts it is submitted that the concerned workman was rightly superannuated with effect from 30th June, 1987 and that the concerned workman is entitled to no relief.

The point for decision is whether the date of birth of the concerned workman is fit to be reviewed as claimed by the workman.

The management examined one witness in support of their case. They also exhibited documents which are marked Ext. M-1 to M-4.

MW-1 Shri Dwarika Pd. was working as Sr. Clerk from November, 1976 to February, 1982 of Rajhara colliery of M/s CCL. He has stated that he was maintaining the service record of the workmen of Rajhara colliery. He has stated that he knows the concerned workman and that the first page of the service register Ext. M-1 of the concerned workman is written by Rajendra Pd. and that the column regarding the date of birth is written by this witness. He has also stated that the concerned workman had put his LTI on the service register in his presence and had also signed it. He has stated that the age column of Ext. M-1 was written by him on the basis of the C.M.P.F. record. Ext. M-2 is the letter dated 18th May, 1976 along with its enclosure which was received by the management from the Regional Commissioner of C.M.P.F. The list of the time rated workers of Rajhara colliery in Ext. M-2 at Sl. No. 71 shows that the concerned workman Charitar Dusadh's date of birth as per Form A was 1st July, 1927. Ext. M-3 is the LTC bill submitted by the concerned workman which shows that the concerned workman had been sanctioned leave for the travel from 2nd March, 1987 to 9-3-87 and in col. No. 9 of the Ext. M-3 the concerned workman has himself stated his age as 60 yrs. It is clear from this document as well that the concerned workman knew fully well that he was attaining the age of 60 years in 1987. Ext. M-4 is a letter dated 3rd February, 1981 written by the Personnel Officer Rajhara Colliery to the Secretary, RCMS enclosing a list showing the name, designation and C.M.P.F. account No. and date of birth in respect of time rated person of Rajhara colliery. The said list also shows at Sl. No. 78 that the concerned workman Shri Charitar Dusadh Pump Khalasi was born on 1st July, 1927. Thus all these documents lead us to only one conclusion that the date of birth of the concerned workman was 1st July, 1927. There is no reason to disbelieve the said date of birth of the concerned workman which was intimated to the union as far back on 3rd February, 1981. The date of superannuation of a workman in Rajhara colliery is 60 years and as such the superannuation of the concerned workman with effect from 1st July, 1987 appears to be quite justified.

In the result, I hold that the demand of the union for review of the age/date of birth of the concerned workman Shri 3746 GI/89-9

Charitar Dusadh Pump Khalasi, Rajhara Colliery of M/s. CCL is not justified and consequently the concerned workman is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
{No. L-24012(107)/86-D.IV(B)/JR (Coal-I)}

नई दिल्ली, 28 दिसम्बर, 1989

का. अ. 141:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसूच में केन्द्रीय सरकार से ससे भारत कोकिंग कोल लिमिटेड को गोधुर कोलियरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) घनबाद के पंचाट को प्रकाशित करते हैं।

New Delhi, the 28th December, 1989

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Godhur Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 75 of 1983

PARTIES :

Employers in relation to the management of Godhur Colliery of M/s. B. C. C. Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri S. Bose, Secretary, Rashtriya Colliery Mazdoor Sangh.

STATE : Bihar

INDUSTRY : Coal.

Dated, the 26th October, 1989

AWARD

By Order No. L-20012(163)/83-D.III(A), dated, the 31st October, 1983, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the workmen of Godhur Colliery of Messrs Bharat Coking Coal Limited for changing the date of appointment of Sarvashri Rajendra Prasad Singh and Udit Narain Chourasia to 1st January, 1973 with designation of Grade-II Clerks with retrospective effect from the date of their joining at East Bassuriya Colliery with continuity of service and wages is justified? If so, to what relief are these workmen entitled?”

2. The case of the sponsoring union, Rashtriya Colliery Mazdoor Sangh, as disclosed in the written statement submitted on behalf of the concerned workmen, details apart, is as follows :

The concerned workmen S/Shri Rajendra Prasad Singh and Udit Narayan Chowrasia were employed in East Bassuriya Colliery in the capacity of Clerk Grade-II with effect from January 1, 1973. The management of East Bassuriya Colliery was taken over by the Central Government with effect from 31st January, 1973 and the colliery was nationalised with effect from 1st May, 1973 and its ownership, management and control vested in M/s. B.C.C. Ltd., a Central Government company. Between 31st January, 1973 and 1st May, 1973 the administration of the colliery in question was under the charge of custodian and M/s. B.C.C. Ltd. was the custodian of the collieries including East Bassuriya Colliery taken over by the Central Government from 31st January, 1973. The custodian, however, was not given any authority to change or alter service condition of workmen who were on the rolls of the collieries on the date of take over i.e. 31st January, 1973. But the management of East Bassuriya Colliery without any authority or without any reason whatsoever, stopped the duties of the concerned workmen with effect from 2nd April, 1973. Being aggrieved by the illegal and arbitrary action of the management, the two concerned workmen made representations before the higher authorities of the management against the illegal and arbitrary action of the East Bassuriya colliery; their union also took up the matter with the management for redressal of grievances and urged upon the management to allow them to resume their duties as Clerk Grade-II in the colliery. The Sub-Area Manager of M/s. B.C.C. Ltd., by his letter dated 31st May, 1974 allowed them to resume their duties in another colliery of the management, namely, Godhur Colliery where Rajendra Prasad Singh joined his duty on 12th June, 1974 and Udit Narayan Chowrasia on 1st June, 1974. The management of Godhur Colliery fixed their pay scale in Clerk Grade III though they were earlier allowed pay scale in Grade-II in East Bassuriya Colliery. Thus, the management acted arbitrarily and without showing any reason for degrading them. As a result they made representations before the management and reported their matter to the union. The union took up the matter with the management of M/s. B.C.C. Ltd. at various levels and at every stage the management assured the union to examine the matter and rectify the irregularities. The concerned workmen were not allowed pay scale of Clerk Grade-II; the management also did not pay them their wages for the period of forced idleness from 2nd April, 1973 till the date of their resumption of duties at Godhur Colliery. Despite the matter having been raised by the union, the management deferred it and did not come to any reasonable settlement. Finding the management non-cooperating the union by its letter dated 30th March, 1983 represented the matter before the Asstt. Labour Commissioner (C), Dhanbad who initiated conciliation proceeding, but that ended in a failure due to adamant attitude of the management. In the circumstances the demand of the workmen is that they should be treated to be on duty with effect from 1st January, 1973 in Clerk Grade II and should be paid their respective wages and other allowances for intervening period of forced idleness.

3. The case of the management of Godhur Colliery of M/s. B.C.C. Ltd., as disclosed in the written statement submitted, shortly stated, is as follows :

There is no industrial dispute in the eye of law inasmuch as no demand or dispute was raised with the employer at any time and that the dispute is over stale in character. S/Sri Rajendra Prasad Singh and Udit Narayan Chowrasia were given appointment letter on 31st May, 1974 by the Sub-Area Manager, Kusunda Sub-Area No. XII of M/s. B.C.C. Ltd. as Munshi/Gr. III Clerks and they accepted the appointment letter and joined duty on 12th June, 1974. They continued to work in that capacity having accepted employment unconditionally and without raising any objection what so ever. Since June 1974 they raised no objection and made no representation whatsoever in regard to their employment from 12th June, 1974 as Munshi/Clerk Gr. III and it was for the first time that the present dispute was raised by the sponsoring union with the Asstt. Labour Commissioner (C) by its letter dated 30th March, 1983. Subsequently in normal course S/Sri

Rajendra Prasad Singh and Udit Narayan Chowrasia were promoted to the post of Clerk Grade-II from 1st June, 1977 and 1st October, 1976 respectively. It transpired during the conciliation proceeding that they were earlier employed in East Bassuriya Colliery with effect from 1st January, 1973. It was the further claim of the concerned workman that they were employed as Clerk Grade-II in East Bassuriya Colliery and so their appointment should be taken to have started from 1st January, 1973 and that they should be given the Clerical Grade-II from 12th June, 1973 and 1st August, 1974 respectively and also be paid wages from 2nd April, 1973 to 1st June, 1974 respectively. This issue relates to another colliery and not to Godhur Colliery and so no claim could lie against Godhur Colliery. East Bassuriya is a non-coking coal mine and the management of this colliery was taken over by the Central Government with effect from 31st January, 1973. Ultimately, all the non-coking coal mines in the country were nationalised with effect from 1st May, 1973. Between 31st January, 1973 and 30th April, 1973 the management of non-coking coal mines including East Bassuriya Colliery vested in the Central Government and ultimately the ownership thereof was transferred to M/s. B.C.C. Ltd. Godhur Colliery is a coking coal mine which was nationalised with effect from 1st May, 1972 and the management of all coking coal mines in the country was taken over by the Central Government with effect from 17th October, 1971. The management of Godhur colliery vested in the Central Government and it was entrusted to M/s. BCCL. After nationalisation of Godhur Colliery its ownership was transferred to M/s. B.C.C. Ltd. At the time of take over of East Bassuriya Colliery a large number of persons were found spuriously inducted into employment of the colliery by various vested interest viz. the old owners and their agencies, trade unions and local officers and other persons. The records were manipulated. When the matter came to the notice of the management a committee of officers was constituted to make enquiries into the case of induction of spurious persons in East Bassuriya Colliery and certain other collieries. The said Committee (which was called flying squad) submitted its report which clearly indicated, inter alia, that S/Sri Rajendra Prasad Singh and Udit Narayan Chowrasia were inductees and so they had no right to continue in employment. The matter then was considered at various levels of the management and the Managing Director, M/s. B.C.C. Ltd. who was also the Additional Custodian General of East Bassuriya Colliery and other non-coking coal mines in Jharia Coalfield passed orders for the removal of these two persons and a large number of other persons from service as they had no legal right to continue in service. Coal Mines (Taking over of Management) Act, 1973 has made adequate provision for the termination of employment of such persons. These two workmen never filed appeals as per the procedure laid down by the Union Minister for Steel and Mines in consultation with the leaders of Central Trade Unions. Subsequent employment of these two workers in Godhur Colliery has nothing to do with their previous alleged employment for a short time in East Bassuriya Colliery and the management of Godhur Colliery is not any way concerned with the same. In the circumstances it has been prayed by the management that the instant reference be dismissed.

4. In rejoinder to the written statement of the management the sponsoring union has denied all assertions made by the management and stuck to the position that the demand of the union is justified.

5. In rejoinder to the written statement of the sponsoring union, the management has reiterated its position once again and asserted that the concerned workmen resorted to manipulation and fraudulent practice in showing that they were employed in East Bassuriya Colliery.

6. The sponsoring union has examined the concerned workmen and laid in evidence a number of documents which have been marked Fxts. W-1 to W-7. On the other hand, the management has examined only one witness, namely, MW-1 B. N. Jha, and laid in evidence a mass of documents which have been marked Fxts. M-1 to M-17.

7. It is the irrefragable position that East Bassuriya Colliery is a non-coking coal mine the management of which was taken over by the Central Government with effect from 31st January, 1973 in terms of Coal Mines (Taking over of Management) Act, 1973 and that all non-coking coal mines

were nationalised by Coal Mines (Nationalisation) Act, 1973. It also remains undisputed that Godhur Colliery is a coking coal mine the management of which was taken over by Coking Coal Mines (Emergency Provisions) Act, 1971 and all coking coal mines in the country were nationalised by Coking Coal Mines (Nationalisation) Act, 1972 with effect from 1st May, 1972. Consequent upon these nationalisation Acts the ownership, management and control vested in M/s. B.C.C. Ltd., a Central Government Company.

8. From the pleadings of the parties arrayed it appears that both the concerned workmen were appointed in East Bassuriya Colliery with effect from 1st January, 1973 Rajendra Prasad Singh as Bill Clerk and Udit Narain Chourasia as Attendance Clerk. This is also established from the photo copy of return of C.M.P.F. (Ext. W-2). It also remains undisputed that both of them were placed in Clerk Grade-II and both of them were stopped from duty with effect from 2nd April, 1973. Thus, it is seen that within a few months of their appointment both the concerned workmen were stopped from duties.

9. It is contended by the sponsoring union that the action of the management in stopping them from duty is arbitrary and illegal while the management asserts that it was within the right of the then management to stop the concerned workmen from duties as they sneaked into service by manipulation and fraudulent practice. It is the further case of the management that in the present dispute the action of the management of East Bassuriya colliery cannot be called in question. Admittedly, during the period when the concerned workmen were stopped from duty the management of East Bassuriya colliery vested in the Central Government and M/s. B.C.C. Ltd. was made the Custodian of this colliery along with other collieries with effect from 31st January, 1973. Hence, M/s. B.C.C. Ltd., a Central Government Company, was managing the affairs of East Bassuriya colliery when the concerned workmen were stopped from duty. Since East Bassuriya colliery was under the management of M/s. B.C.C. Ltd. the action of the management of the said colliery can be, in my view, considered in the present reference.

Sri S. Bose, authorised representative of the sponsoring union, has urged before me that there is no provision in Coal Mines (Taking over of Management) Act, 1973 for termination of service of any workman by Custodian General or Additional Custodian General. Sri R. S. Murthy, Advocate for the management, has contended that such power was given, but upon reading of the Coal Mines (Taking over of Management) Act, 1973 I have no hesitation to conclude that such power was not given.

Sri Murthy has further submitted that there is provision in the Coal Mines (Taking over of Management) Act, 1973 for redressal of grievance of workmen on termination of service by appeal to the Custodian General, but I find no such provision in the said Act.

Sri Murthy has finally urged before me that the services of the concerned workmen were terminated on transfer of undertaking and hence the concerned workmen have got no relief save and except those provided in the Industrial Disputes Act.

10. It appears from the evidence on record that the management constituted a Committee called Flying Squad to scrutinise the appointment of workmen in some collieries including East Bassuriya colliery and that Flying Squad came to the conclusion that the concerned workmen are inductees and so their services were disposed with by the management with effect from 2nd April, 1973 (Exts. M-1, M-2, M-16 and M-17).

Section 25-FF of the Industrial Disputes Act provides for compensation for retrenchment on transfer of undertaking. This provision envisages that (i) there should be a transfer of ownership or management of the undertaking from one employer to another by (a) agreement or (b) operation of law; (ii) the undertaking should be an industry within the meaning of Sec. 2(i) of the Industrial Disputes Act; (iii) workmen claiming compensation should be a workman within the meaning of Sec. 2(s) and (iv) the workman should have put in minimum one year of continuous service within the

meaning of Sec. 25-B of the Industrial Disputes Act immediately before the transfer of ownership or management of the undertaking. Admittedly, the management of East Bassuriya Colliery was transferred to M/s. B.C.C. Ltd. by operation of law with effect from 31st January, 1973. It is also the admitted position that the concerned workmen were appointed in East Bassuriya colliery on 1st January, 1973 and their services were dispensed with effect from 2nd April, 1973. This being the position they have not put in continuous service for one year within the meaning of Sec. 25-B of the Act immediately before the transfer of ownership or management of the colliery. In such circumstances the concerned workman can hardly claim that the action of the management is illegal and arbitrary even though no compensation was paid to them on transfer of the undertaking. This is the fall-out of the provision of Sec. 25FF of the Industrial Disputes Act and in my view the action of the management in dispensing with the services of the concerned workmen with effect from 2nd April, 1973 cannot be held to be illegal and arbitrary.

11. It has been contended by the sponsoring union that the concerned workmen were transferred from East Bassuriya colliery to Godhur Colliery. No positive documentary evidence has been produced in support of this contention. Sri Bose has taken me through a note-sheet of the management dated 12th August, 1982 (Ext. W-1) in support of the fact that the concerned workmen were transferred from East Bassuriya colliery. The note-sheet indicates that the concerned workmen came to Godhur colliery on transfer and it was suggested by Sri N. Mukherjee, Dy. Personnel Manager who raised the note-sheet that the date of appointment and grade of the concerned workmen as recorded in the colliery record of East Bassuriya colliery on 1st January, 1973 might be corrected. But the note-sheet is merely a collection of facts which are required to be confirmed. In any event there is nothing on record to show that this note-sheet was acted upon.

12. On the other hand, Sri R. S. Murthy has submitted before me that the concerned workmen appeared in interview and were selected for the post of Clerk Grade-III. The letter of interview is dated 21st March, 1974 (Ext. M-12). Interview sheet (Ext. M-13) and letters of appointment (Exts. M-2/1, M-5/1, M-5/2 and M-5/3) all dated 31st May, 1974 support the contention of Sri Murthy that the concerned workmen were offered interview and that they appeared in the interview and were selected for the post of Clerk Grade-III and were deployed for duty in Godhur Colliery. It is the case of the management that S/Sri Rajendra Prasad Singh and Udit Narain Chourasia were promoted to the post of Clerk Grade-II with effect from 1st June, 1977 and 1st October, 1976 respectively. In conclusion I find that the demand of the workmen of Godhur Colliery of M/s. B.C.C. Ltd. for changing the date of appointment of these concerned workmen to 1st January, 1973 with designation of Clerk Grade-II with retrospective effect from the date of their joining in East Bassuriya colliery with continuity of service and wages is not justified.

13. Accordingly, the following award is rendered—the demand of the workmen of Godhur Colliery of M/s. BCCL for changing the date of appointment of the concerned workmen to 1st January, 1973 with designation of Clerk Grade-II with retrospective effect from the date of their joining in East Bassuriya Colliery with continuity of service and wages is not justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. L-20012(163)/83-D.III(A)/IR(Coal-I)]

का.प्र. 142.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स ईस्टर्न कोलफील्ड्स लिमिटेड का छापापुर-2 कोलियरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवादों के दोष नकार औद्योगिक विवाद (पं. 1), प्रवाद के पंचाद को प्रकाशित करती है।

S.O. 142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chapapur-II Colliery of M/s. Eastern Coalfields Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 74 of 1988

PARTIES :

Employers in relation to the management of Chapapur-II of Eastern Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 31st October, 1989

AWARD

By Order No. L-20012(82)/88-D.III(A), dated, the 24th June, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Chapapur-II Colliery of M/s. Eastern Coalfields Ltd. in superannuating S/Sri Barasahadul Mia and Budhan Mia, Miner/Loader w.e.f. 8-3-86 is justified? If not, to what relief the workmen concerned are entitled?"

2. The case of the management of Chapapur II Colliery of M/s. Eastern Coalfields Ltd. as disclosed in its written statement, details apart, is as follows :

The reference is bad in law and not maintainable. The workman concerned did not at any time make any demand or has any dispute directly with the management in regard to the matter covered by the reference order. The management of Badjina Colliery was taken over by the Presidential Ordinance with effect from 31-1-1973 and the colliery was nationalised under the Coal Mines (Nationalisation) Act, 1973 with effect from 1-5-73. S/Sri Barasahadul Mia and Budhan Mia were working in that colliery. They were transferred from Badjina colliery to Chapapur Colliery in October, 1974 in the same capacity. Chapapur colliery was also nationalised with effect from 1-5-73 after its management was initially taken over by the Central Government with effect from 31-1-1973. Form B Register maintained by the previous private owner of Badjina Colliery did not contain any entry in regard to the age/date of birth of the concerned workmen. After their transfer to Chapapur Colliery also, when their names and other details were entered in the Form B Register of that colliery, the column regarding age of these two workmen were left blank. The management discovered a few years later that the date of birth of Barasahadul Mia was written subsequently in the Form B Register of that colliery as 16-6-1940 and the figure "40" forming part of '1940' was over-written/interpolated and the entry 16-4-40

was scored through. Similarly in the case of Budhan Mia it was discovered that the date of birth was written subsequently in the Form B Register as "15-7-38". The figure 15 and 7 in this entry were found to have been tampered/interpolated. Subsequently the entire entry 15-7-38 was scored through and other entry "10-7-38" was made. These entries with over-writings/interpolations etc. were manipulated by the workmen concerned in connivance/collusion with the lower functionaries of the colliery or others who had access to the Form B Register. The management issued identity cards to the workers and since the date of birth/age of the concerned workmen were not recorded in Form B register there was no question of any age/date of birth being written in the identity card issued to them. The column in this respect was left blank. However, it transpires that after manipulation regarding the date of birth carried out in the Form B Register, the workmen themselves had got the entry made regarding their date of birth in the identity cards on their own through some persons. When the management discovered the aforesaid manipulations, it was decided to refer the cases of these two workmen together with some other similar cases of workmen in whose case there was no entry regarding the age/date of birth in the Form B Register to the Medical Board/Age Assessment Committee for determination of age as per Implementation Instruction No. 37 dated 5-2-1981 of the Joint Bipartite Committee for the Coal Industry. This Implementation Instruction was issued in accordance with the practice already in existence in the coal companies whereby a committee of medical and non-medical officers used to consider and examine the cases of workers and assess their age. It was never intended that the age in such case would be determined by following the elaborate procedure laid down under the medical jurisprudence. This system was not challenged by anyone till some time ago and thereafter, the whole matter was reviewed by the J.B.C.C.I. and fresh instructions were issued that the age should be assessed according to medical jurisprudence. The Age Assessment Committee of six officers including two doctors considered the cases of these two workers and examined them on 16-12-83 and assessed their age as 58 years as on that date. Thereafter the L.T.s of the two workers were taken in token of acceptance of their age which was duly explained to them in Hindi. Thereafter, the age was entered in the Form B Register as assessed by the Age Assessment Committee by an appropriate entry. A few years later the management prepared a fresh Form B Register and in that register the date of birth of these two workers was entered as assessed by the Age Assessment Committee as aforesaid and after this and other entries were read out and explained to them, the concerned workmen had affixed their L.T.s in token of acceptance of all the entries. In view of this they are estopped from raising any controversy regarding their age/date of birth. Considering the position stated above the management has submitted that the present dispute has been raised by the workmen/union as a result of an afterthought with an ulterior motive. The age of superannuation for these workmen is 60 years and the concerned workmen should have been superannuated with effect from 16-12-85. There was a clerical lapse in not superannuating them from that date and when inadvertence was discovered the concerned workmen were superannuated with effect from 8-3-86. In the context of facts and circumstances the management has submitted that its action in superannuating the concerned workmen with effect from 8-3-86 is fully justified.

3. The case of the concerned workmen, as disclosed in the written statement submitted by the sponsoring union, Bihar Colliery Kamgar Union, on their behalf, is as follows :

The concerned workmen, Barasahadul Mia and Budhan Mia had been working as permanent Miners/Loaders since long with unblemished record of service. They were appointed as permanent workmen during the time of erstwhile employer. As per Mines Act, Rules framed thereunder and Regulations, the name, father's name, address and date of birth of the concerned workmen were recorded in Form B Register maintained under the statute. At the time of appointment the date of birth of both the concerned workmen was recorded as 15-7-38. An identity card was also issued to the concerned workmen showing the date of their birth as 16-7-38. The identity card showing the full particulars of the workmen as recorded in Form B register is the only document

issued to the workmen. In the identity card the date of birth of the concerned workmen is shown as 16-7-38. They are active members of Bihar Colliery Kamgar Union and the local management was always on the look out to victimise them for their union affiliation. The management with an ulterior motive to victimise them terminated the services of the concerned workmen with effect from 8-3-86 in violation of the statutory Form B Register. The union represented the case of the concerned workmen to the management but without any effect. Seeing no other alternative the union raised an industrial dispute before the Asstt. Labour Commissioner (C), Dhanbad, which ended in failure due to the adamant attitude of the management. Anyway, the appropriate Government has been pleased to refer the present dispute for adjudication by this Tribunal. During the course of conciliation proceeding the management tried to justify its action by manipulating Form B Register. The action of management in superannuating the concerned workmen with effect from 8-3-86 is illegal, arbitrary, unjustified and against the principles of natural justice. The concerned workmen are entitled to be reinstated in service with full back wages. In the context of facts and circumstances, the union has prayed that the management be directed to reinstate the concerned workmen with full back wages with effect from 8-3-86 with all other consequential benefits.

4. In rejoinder to the written of the sponsoring union, the management has not denied that the concerned workmen were appointed as permanent workmen during the time of erstwhile employer. The management has denied the other statement of facts as contained in the written statement of the sponsoring union.

5. In rejoinder to the written statement of the management the sponsoring union has admitted that the concerned workmen were transferred from Badina Colliery to Chapapur Colliery in October, 1974, but has denied the other statement of facts asserted by the management. The union has asserted that Form B register is maintained by the management and it also remains in the custody of the management and submitted that the concerned workmen are illiterate. The union has alleged that the Age Assessment Committee/Medical Board had determined the age of the concerned workmen in violation of medical jurisprudence at the instance of the management. It has also been asserted by the sponsoring union that the management challenged the age of the concerned workmen without affording them any opportunity and denied that the concerned workmen had accepted the age as determined by the Medical Board.

6. The management in order to justify its action, has examined three witnesses, namely, MW-1 Dr. Narendra Nath Kashyap, one of the members of the Age Assessment Committee, MW-2 Hari Ballav Prasad, now posted as Dy. Personnel Manager in M/s. E.C. Ltd. and MW-3 Ashok Kumar, now posted to Shampur Colliery as Personnel Officer and laid in evidence a series of documents which have been marked Exts. M-1 to M-7. On the other hand, the sponsoring union has examined the concerned workmen and laid in evidence identity cards of the concerned workmen marked Exts. W-2 and W-3 and some entries in Form B Register produced by the management and marked Ext. W-1.

7. Admittedly, Badina Colliery and Chapapur-II Collieries are non-coking coal mines and the management of both these Collieries alongwith other non-coking coal mines were taken over by the Central Government under Presidential Ordinance with effect from 31-1-73 and that both these Collieries along with other non-coking coal mines were nationalised with effect from 1-5-1973. There is no dispute that both the concerned workmen S/Shri Barasahadul Mia and Budhan Mia were appointed as Miners/Loaders in Badina Colliery by erstwhile private owner M/s. Oriental Coal Company and that they were permanent workmen of this Colliery. It appears from the pleading of the management that both these workmen were transferred to Chapapur Colliery in October, 1974, in the capacity in which they were employed at Badina Colliery. As a matter of fact the Office Order of transfer dated 16-10-74 (Ext. W-4) produced by the management establishes the fact that both these concerned workmen along with others who were working as miners/loaders at

Badina unit were transferred to Chapapur Unit No. 2 with effect from 1-11-1974.

8. The case of the management is that the Form B Register maintained by previous private owner of Badina Colliery did not contain any entry in regard to the age/date of birth of these concerned workmen while the case of the sponsoring union is that at the time of appointment the date of birth of the concerned workmen were recorded as 16-7-38 and that identity card containing the full particulars of the workmen as recorded in Form B Register were issued to these workmen. According to MW-2 Hari Ballav Prasad, he joined the services of M/s. E.C. Ltd. as Welfare Officer (Trainee) and later he was promoted to the post of Personnel Officer and thereafter to the post of Senior Personnel Officer. He has stated that the concerned workmen were working at Badina Colliery prior to their joining at Chapapur-II Colliery and that their age was not recorded in Form B Register of Badina Colliery. He has proved the photostat copy of the report of Personnel Officer, Badina Colliery which has been marked Ext. M-2. This report of the Personnel Officer, Badina Colliery dated 28-10-88 is indicative of the fact that on verification the age of the concerned workmen was not available in Form B Register. The present reference was made by the appropriate Government by order dated 24-6-88 and this document Ext. M-2 has come into existence after the date of reference. Anyway, according to MW-3 Ashok Kumar, he joined Badina Colliery in August, 1984 and he was posted to Badina Colliery from August, 1984 to February, 1989. He had admitted that he is the author of the report (Ext. M-2).

The management has produced the Form B Register purported to have maintained by the erstwhile private owner M/s. Oriental Coal Company which has been marked Ext. M-5. The name of the concerned workmen Barasahadul Mia appears in serial No. 3042 and that of Budhan Mia appears in serial No. 3045 (Ext. M-5/1). The age of the concerned has not been recorded there. This page also bears thumb impression of the concerned workmen marked Exts. M-5/2 and M-5/3. Upon a perusal of this Form B Register it appears that it has not been maintained contemporaneously and serially. Besides, a page of the said register which has been marked Ext. W-1 does not show the age of any of the ten workmen whose names have been recorded there. Another page of the said register contains the name of nine workmen while thumb impressions of eight workmen are available there (Ext. W-1/1).

9. Admittedly, both these workmen came on transfer to Chapapur Colliery and their particulars were recorded in Form B Register of Chapapur Colliery, marked 'X' for identification. The age of Barasahadul Mia has been recorded there as 16-7-40 but that has been scored through. Likewise the age of the concerned workman Budhan Mia has been recorded there as 16-7-38 which has been scored through and then the date was replaced by 10-7-38 which has again been scored through. The case of the management is that the concerned workmen managed to record their age as stated above with connivance and collusion with some lower functionaries of the Colliery. The Union has asserted that the Form B Register is kept in the custody of the management. MW-2 Hari Ballav Prasad has admitted that Form B Register is maintained by and kept in the custody of the management. That being so, the management has got an obligation to prove its allegation that the concerned workmen had colluded and connived with some lower functionaries of the Colliery and managed to have their age recorded as indicated above. No evidence has been laid to prove this allegation. The concerned workmen also have denied this allegation.

Admittedly, the concerned workmen are illiterate. They were working in humble capacity in Chapapur Colliery, miner/loaders as they were. In the circumstances the preponderance of probabilities does not indicate that they had got any hand in having their age recorded in Form B Register of Chapapur Colliery by manipulation or collusion.

10. The concerned workmen have produced their identity cards which have been marked as Exts. W-2 and W-3. In both these identity cards their age has been recorded as 16-7-1938. This is consistent with their case as disclosed

in the written statement by the sponsoring union. MW-2 Hari Ballav Prasad has admitted that the management of M/s. E.C. Ltd. issues identity cards to its workmen and a copy of the identity card is kept in identity card register. Both Chapapur and Badjna Collieries are owned by and managed by M/s. E.C. Ltd. and hence it is expected that the management has got identity card register showing that identity cards were issued to the concerned workmen with their particulars including age recorded therein. But the management has not produced that identity card register.

Again MW-2 has admitted that whenever a workman is transferred from one Colliery to another an I.P.C. is issued and in the I.P.C. the particulars of the workmen as recorded in Form B Register are noted. He has admitted that the management did not file any I.P.C. before the Conciliation Officer. Thus, it is seen that the management has not produced the I.P.Cs. of the concerned workmen although it has got the same in its possession.

Sri R. S. Murthy, learned Advocate for the management while confronting Barasahadul Mia, one of the concerned workman with his identity card (Ext. W-2) suggested to him that it belonged to another person and that it has been manufactured by erasing out the original writing and replacing the photograph. He has also suggested to Budhan Mia another concerned workman that the identity card has been manufactured by him by procuring a blank form and putting his photograph thereon. Sri Murthy has submitted that both these photographs are manufactured.

It appears that identity card in favour of Budhan Mia was issued by M/s. E.C. Ltd. and the top portion of the identity card issued in favour of Barasahadul Mia is torn off. There is no cogent evidence to prove the contention of Sri Murthy that these identity cards have been manufactured. Anyway, the management could have disproved the evidentiary value of the identity cards by producing the Identity Card Register. That has not been done with the result that the contention of Sri Murthy with regard to the identity card having been manufactured has remained in the realm of conjecture and surmise.

11. Anyway, both the concerned workmen were referred to the Age Assessment Committee for determination of their age. So far so good. According to the management in terms of J.B.C.C.I. circular dated 5-2-1981 this procedure was adopted for determination of the age of the concerned workman. This circular provides as follows (Ext. M-6) :

“(B) Review determination of date of birth in respect of existing employees :

1. (b) Wherever there are variations a suitable provision for age determination Committee/Medical Board would be made.
2. Age determination Committee/Medical Board for the above will be constituted by the management.
3. For determination of the age, the Committee referred to above may consider the evidence available with the Colliery Management and/or adduced before it by the employee.
4. Age so assessed by the Committee shall be communicated by the Management to the employees concerned and also to the unit from where reference was received, for further necessary action.
5. The decision of the Committee will be binding and final.
6. The above procedure will come into force with immediate effect and will supersede the existing procedure/orders, if any, on this subject.

The management constituted an Age Assessment Committee and sent the concerned workmen for determination of age by that Committee. MW-1 Narendra Nath Kashyap has stated that the Committee was constituted of five members including three doctors, namely, Dr. M. N. Thakur, Dr. Bhanja and he himself and two other non-medical men, namely,

S/Sri A. K. Verma and V. S. Verma. He has further stated that the Committee held medical examination in respect of the workmen for determination of age along with others and the age of the concerned workmen were determined as 58 years as on 16th December, 1983 the date of medical examination and the concerned workmen affixed their thumb impressions on the medical report. The medical report has been marked Ext. M-1. He has further stated that the Committee carried on various types of examination including clinical test considered necessary for determination of age of the persons including the concerned workmen appearing before the Medical Board. In cross-examination he has admitted that the report itself does not show that the Board gave any reason for determination of age and that the entire medical report was written by an assistant assisting the Committee in clerical work, and the members verified each and every entry made therein. Thus, the report (Ext. M-1) does not indicate the reason for determination of age of the concerned workmen as 58 years on 16th December, 1983. The report does not provide any data on the basis of which the Committee reached the conclusion that the concerned workmen attained the age of 58 years. The witness has admitted to have made clinical test of the concerned workmen for determination of their age. But this clinical test report has not been provided along with the report.

12. The report (Ext. M-1) indicates that the concerned workmen put their thumb impressions thereon. MW-1 has stated that the concerned workmen put their thumb impressions on the medical report. But they have stated that their thumb impressions were obtained by the clerk and Budhan Mia, the concerned workman, has stated that his thumb impression on medical report was taken before his age was recorded by the clerk who gave him to understand that his card would be re-examined by the management. Anyway, the medical report indicates that as per identity cards the date of birth of the concerned workmen was 16th July, 1938.

13. Sri R. S. Murthy has submitted that the age of the concerned workmen as determined by the Committee was accepted by the concerned workman. But I find this contention very difficult to accept. The concerned workmen are admittedly illiterate persons and so simply taking of their thumb impressions on the medical report by themselves does not indicate that they accepted the report with regard to their age as determined by the Committee. There is no evidence to indicate that the result of the Age Assessment Committee with regard to their age was communicated to them. There is nothing in evidence to indicate that the Age Assessment Committee called upon the concerned workmen to adduce evidence before it or that it considered the evidence available with the colliery management. It is apparent from the medical report that the age of the concerned workmen was available from the identity card as recorded in the report itself. But there is no vestige of evidence to indicate that the Committee considered the age as indicated in the identity card.

Sri Murthy has submitted before me that the age as determined by the Committee should be accepted and in support of his contention he has cited a decision reported in 5 S.C.L.J. 3602. But in the case reported the Committee took into account the statement of the employee and came to a definite conclusion about his age. In the present case there is no evidence that the Committee called upon the concerned workmen to make a statement with regard to their age or that it considered the evidence of each of the concerned workmen as appearing in the identity card. This being so, I am constrained to state that the management has not followed the J.B.C.C.I. Implementation Instruction dated 5th February, 1981 (Ext. M-6) either in law or in spirit. Hence, the determination of the age of the concerned workmen by the Age Assessment Committee is not fair and proper; it is not also in conformity with the J.B.C.C.I. Implementation Instruction as stated above. The management has taken the plea that the age of the concerned workmen was recorded in Form B Register of Chapapur Colliery as assessed by the Age Assessment Committee, and the concerned workmen accepted their age as recorded therein by affixing their thumb impression. But this Form B Register of Chapapur Colliery has not been produced before me nor has it transpired in evidence that the concerned workmen accepted the age recorded therein by putting their thumb impressions after they

were informed that the age was so recorded on the basis of the report of the Age Assessment Committee.

14. Even as per the case of the management the concerned workmen reached the age of superannuation on 16th December, 1985 but they were retired from service on and from 8th March, 1986. The management has stated in the written statement that this was a matter of inadvertent and clerical lapse.

Anyway, the age of the concerned workmen as determined by the Age Assessment Committee/Medical Board, as I have held earlier, is not proper and fair. The management is directed to determine the age of the concerned workmen afresh by referring them to Age Assessment Committee/Medical Board and in the process to consider the evidence as may be produced by the concerned workmen in support of their age.

15. Accordingly, the following award is rendered—the action of the management of Chapapur II Colliery of M/s. Eastern Coalfields Ltd. in superannuating Barasahdul Mia and Budhan Mia, Miner/Loaders w.e.f. 8th March, 1986 is not justified. The management is directed to determine their age afresh by referring them to Medical Board/Age Assessment Committee and to consider the evidence that may be produced by them in support of their age and thereafter to act in accordance with such report. In the event of concerned workmen not having reached the age of superannuation as per the report of Board/Committee they should be reinstated in service with full back wages for the idle period from 8th March, 1986 till they resume their duties.

The management is directed to hold the medical examination within one month from the date of publication of the award failing which the concerned workmen should be reinstated in service with full back wages forthwith.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

[No. 1-20012(82)/88-D.III(A)/IR (Coal-I)]

K. J. DYVA PRASAD, Desk Officer

आदेश

नई दिल्ली, 26 दिसम्बर, 1989

का. घा. 143—समान पारिश्रमिक अधिनियम 1976 (1976 का 25) की धारा 12 की उप धारा (2) के खंड (क) के अनुसरण में और भारत सरकार श्रम मंत्रालय के दिनांक 26 अप्रैल 1985 के आदेश संख्या का. घा. 2092 के अधिनियम में, ऐसे अधि-क्रमण से पहले की गई चीजों या की जाने वाली चीजों के विरोध के अलावा, केन्द्रीय सरकार, श्रम प्रवर्तन अधिकारी (केन्द्रीय) को उक्त अधि-नियम की धारा 10 के अधीन अपराधों के बारे में न्यायालयों में शिकायतें दायर करने के लिए प्राधिकृत करती है।

[सं. एस 27013 / 1 / 89 महिला सेल]

एस. एच. एस. अग्रवाल, अवसर सचिव

ORDER

New Delhi, the 26th December, 1989

S.O. 143.—In pursuance of clause (a) of sub-section (2) of section 12 of the Equal Remuneration Act, 1976 (25 of 1976) and in supersession of the Order of the Government of India in the Ministry of Labour No. S.O. 2092, dated the 26th April, 1985, except as respects things done or omitted to be done before such supersession, the Central Government hereby authorised the Labour Enforcement Officers (Central) to file complaints in Courts in respect of offences under section 10 of the said Act.

[No. S-27013/1/89-Women's Cell]

S. H. S. IYER, Under Secy.

